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55TH CONGRESS, 2d Session. } SENATE. { DOCUMENT No. 39.

POSTAL TELEGRAPH AND TELEPHONE LINES, POSTAL SAVINGS BANKS, GOVERNMENT LIFE ANNUITIES, AND PROVISIONS FOR OLD AGE, IN FOREIGN COUNTRIES.

INFORMATION

FURNISHED THROUGH THE STATE DEPARTMENT

BY

DIPLOMATIC AND CONSULAR OFFICERS
OF THE UNITED STATES

IN RESPONSE TO

SENATE RESOLUTION OF JULY 12, 1897, OFFERED BY SENATOR BUTLER, OF NORTH CAROLINA.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1898.

S. Doc. 3—1

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55TH CONGRESS, 2d Session. } SENATE. { DOCUMENT No. 39.

NATURE AND PRACTICAL WORKINGS OF POSTAL TELEGRAPHS, TELEPHONES, AND POSTAL SAVINGS BANKS OF FOREIGN COUNTRIES.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

IN RESPONSE TO RESOLUTION OF THE SENATE OF JULY 12, 1897, REPORT FROM THE SECRETARY OF STATE, RELATING TO THE NATURE AND PRACTICAL WORKINGS OF THE POSTAL TELEGRAPHS, TELEPHONES, AND POSTAL SAVINGS BANKS OF FOREIGN COUNTRIES, WITH ACCOMPANYING PAPERS.

DECEMBER 18, 1897.—Read, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

To the Senate:

I transmit herewith a report from the Secretary of State relating to the nature and practical workings of the postal telegraphs, telephones, and postal savings banks of foreign countries, with accompanying papers, requested by the resolution of the Senate of July 12, 1897.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, December 18, 1897.

The PRESIDENT:

The resolution of the Senate of July 12, 1897, requested the Secretary of State "to send to the diplomatic representatives of the United States abroad a circular letter similar to the one sent by Secretary Blaine on May 20, 1881, instructing them to obtain from the several foreign governments to which they are accredited as full information as possible (including copy of laws relating thereto) as to the nature and practical workings (including expenses, receipts, and rates) of the postal telegraphs, telephones, and postal savings banks of such countries as have adopted the same."

A copy of the circular letter of instruction issued on July 17, 1897, by the Department of State, in pursuance of the resolution, was transmitted to the Senate on the 23d of that month and is printed in Senate

Document No. 187, Fifty-fifth Congress, first session, a copy of which is herewith inclosed.

The undersigned, Secretary of State, has now the honor to lay before the President, with a view to their transmission to the Senate, the replies which have thus far been received to that instruction.

Respectfully submitted.

JOHN SHERMAN.

DEPARTMENT OF STATE,
Washington, December 17, 1897.

List of papers.

1. From Argentine Republic, No. 393, September 7, 1897, with accompaniments.
2. From Austria-Hungary, November 10, 1897, with accompaniments.
3. From Belgium, No. 49, November 11, 1897, with accompaniments.
4. From Canada (Ottawa), December 3, 1897, with accompaniments.
5. From Cape Colony, November 17, 1897, with accompaniments.
6. From China, September 20, 1897.
7. From Costa Rica, No. 859, October 21, 1897, with accompaniments.
8. From Cuba (Habana), September 13, 1897, with accompaniments.
9. Ecuador, September 13, 1897.
10. From Germany, No. 111, October 1, 1897, with accompaniments.
11. From Great Britain, No. 162, November 3, 1897, with accompaniments.
12. From Greece, No. 12, October 13, 1897, with accompaniments.
13. From Hawaii, September 13, 1897, with accompaniments.
14. From Japan, No. 52, November 9, 1897, with accompaniments.
15. From Korea, September 27, 1897, with an accompaniment.
16. From Luxembourg, December 2, 1897, with accompaniments.
17. From Mexico, No. 188, November 12, 1897, with accompaniments.
18. From the Netherlands, October 18, 1897, with accompaniments.
19. From New Zealand, September 30, 1897. No accompanying dispatch.
20. From Nicaragua, September 20, 1897.
21. From Peru, November 20, 1897, with accompaniments.
22. From Portugal, October 11, 1897.
23. From Spain, November 20, 1897, with accompaniments.
24. From Switzerland, August 20, 1897, with accompaniments.
25. From Uruguay, No. 134, September 7, 1897, with an accompaniment.

NOTE.—Accompanying documents referred to the Committee on Printing.

FOREIGN TELEGRAPH AND TELEPHONE SYSTEMS AND GOVERNMENT BANKS FOR SAVINGS, LIFE INSURANCE, LIFE ANNUITIES, AND PENSIONS.

REPORTS OF UNITED STATES MINISTERS IN FOREIGN COUNTRIES.

The following reports on the subject of telegraph and telephone systems and postal savings banks in foreign countries were received from United States ministers by the Department of State, and were transmitted by it to the Senate in compliance with this resolution:

Resolved, That the Secretary of State be directed to send to the diplomatic representatives of the United States abroad a circular letter, similar to the one sent by Secretary Blaine on May twentieth, eighteen hundred and eighty-one, instructing them to obtain from the several foreign governments to which they are accredited as full information as possible (including copy of laws relating thereto) as to the nature and practical workings (including expenses, receipts, and rates) of the postal telegraphs, telephones, and postal savings banks of such countries as have adopted the same; and that the Secretary of State be, and he is hereby, directed to send to the Senate the information and reports received in obedience to said circular at the opening of the regular session of Congress in December next, or as soon thereafter as possible.

The following is the list of questions:

[Circular.]

DEPARTMENT OF STATE,
Washington, July 17, 1897.

——— ———,
——— ———,
——— ———.

SIR: Pursuant to a resolution adopted by the Senate on July 12, 1897, directing the Secretary of State to send to the diplomatic representatives of the United States a circular instruction similar to the one sent on May 20, 1881, by the then Secretary of State, James G. Blaine, in order to obtain from the several foreign Governments to which they are respectively accredited as full information as possible as to the nature and practical workings of the postal telegraphs, telephones, and postal savings banks of such countries as have adopted the same, you are instructed to apply to the Government of ——— for such information as may be obtainable under the several heads given below, viz:

1. Copies of all existing laws as to postal telegraphs, telephones, and postal savings banks.
2. The annual aggregate amounts of deposits in postal savings banks, as shown by official reports, for each year since the establishment of the system.
3. What is the rate of interest paid to depositors?
4. What limits, if any, are placed upon the amounts received on deposit?
5. What is the shortest period for which deposits are received.
6. What is the average amount of the individual deposits annually?
7. Are the certificates of deposit transferable; and if so, under what regulations?
8. Are the certificates of deposit convertible into Government bonds; and if so, upon what terms?
9. Does the Government own either the telegraphs or telephones of ———; and if so, when and how did it acquire them?
10. If the Government of ——— purchased the lines of private telegraph or telephone companies, how was the price paid for the same determined? If by appraisers, how were they appointed?

11. If the telegraphs or telephones of ——— have been purchased by the Government, what was the original cost of constructing them, and what price did the Government pay for the same?

12. What were the annual receipts and expenditures of the telegraphs and telephones under private management, and what have been the annual receipts and expenditures of the same under government management?

13. At the time of the transfer of the telegraphs and the telephones of ——— to the Government, how many offices and how many miles of wire of each were in — ——, and how many offices and miles of wire of each are there now?

14. How does the cost of the extension of telegraphs or telephones which have been made by the Government of ——— compare with the original cost of construction of the telegraphs or the telephones of ——— by private companies?

15. Does the Government of ——— sell telegraphic and telephonic stamps for the convenience of the public in paying for the transmission of telegrams and telephonic messages; and if so, how many denominations of such stamps are issued?

16. What system has been adopted for accounting for the sale of telegraphic and telephonic stamps by the postal authorities and for the cancellation of such stamps?

17. To how many words is the ordinary telegraphic or telephonic message restricted, and what is the charge for such messages?

18. What is the general internal tariff for private telegrams and telephonic messages as regulated by the number of words and distances?

19. What is the tariff for press telegrams and telephonic messages?

20. What is the average number of words sent daily for the press?

21. What is the annual value of the work performed by the telegraphs and telephones and postal savings banks?

In addition to making the foregoing inquiries of the Government of ———, I shall thank you to furnish such information as may be obtainable from private sources, or as you may possess as the result of your own study and observations, as to the practical working of the postal telegraph and telephones and the postal savings banks in ———, so that your reply may contain for the use of Congress a full, accurate, and instructive report on these subjects, so far as the same can be illustrated by the experience of the Government to which you are accredited.

I have to request you to lose no time in prosecuting the above inquiries, as it is desired that the information sought for by this instruction may be transmitted to this Department in season to enable the same to be transmitted to Congress on the first Monday in December next or as soon thereafter as possible.

Respectfully, yours,

WILLIAM R. DAY, *Acting Secretary.*

ARGENTINE REPUBLIC.

Mr. Buchanan to Mr. Sherman.

No. 393.] LEGATION OF THE UNITED STATES,
Buenos Ayres, September 7, 1897. (Received October 21.)

SIR: I have the honor to acknowledge the receipt of the Department's circular note of July 17 last, requesting information regarding the postal savings banks, telegraph and telephone systems of and in this Republic.

In reply I have to advise you that your inquiry has had my attention, and I have the honor to embody herein such information as I have been able to secure regarding the different subjects.

I am under many obligations to the distinguished director-general of mails and telegraphs of this Republic, Dr. Carlos Carlés, for the greater part of the data I transmit.

I shall answer the questions submitted in the order you have given them so far as I can.

1. I am forwarding you, under three separate covers, the following publications and papers: Codigos Postal y Telegrafico, vols. 2 and 3, C. Carlés, 1895; Jurisprudencia Postal y Telegrafica, Vol. VII, C.

Carlés, 1894; Jurisprudencia Postal y Telegrafica, Vol. VIII, C. Carlés, 1895; Ley de Correos de la Nacion; Ley de Telégrafos Nacionales.

2 to 8, inclusive. There is no postal savings bank system in operation in this Republic.

There is here, however, a system of so-called "savings boxes." These are placed, or were to be placed, in such post-offices as the director-general of mails might designate. At such offices special books of numbered stamps are sold. These stamps, upon being indorsed with the depositor's name, can be dropped in the boxes mentioned or transmitted through the mails, as they are payable at certain other offices. An account is opened by the selling office with the person buying these stamps, and he is paid a small interest on sums above $1 for not more than 15 days, and charged a small fee which is aimed to cover the expense to the Government. The money collected from the sale of these stamps is daily sent to the general post-office at this city and forms a special fund for their redemption, the stamp thus becoming a check on the general post-office.

This system was originated to make the transmission of money from interior points to this capital easier rather than to encourage savings.

I do not think it has given satisfaction, and am quite sure that it is but little used. This is due largely to the fact that the "money order" and "registered letter" systems of the country have become more popular and appear to most effectively serve the purpose for which all were created—the transmission of money from the interior of the Republic to this city, the business center of the Republic.

These two features of the Argentine postal system have left little room for the operation of these savings boxes.

The law governing the operation of these so-called savings boxes, and the sale of the stamps I have spoken of, will be found beginning on page 758 and ending on page 773 of the Codigo Postal, vols. 1, 2, and 3 (bound in one), which I am forwarding you as above noted.

The following data may be of interest to you in connection with the postal-order system of the country:

The greatest sum for which a postal order can be obtained here is $100. A charge of 50 cents for each $50 to be sent is made for issuing an order, and 2 per cent collected for paying it.

These orders can be paid by telegraph by the sender paying $1 extra on each.

The charges for registered packages, when the value is declared, is 5 cents for each 15 grams weight—a fixed charge for registering of 12 cents, and 1 per cent additional for each $100 value sent. No amount of money nor bonds or other securities of a value greater than $5,000 can be sent in this way.

It is a criminal offense to send money through the mails in an ordinary letter.

9 to 14, inclusive. In addition to the telegraph lines owned and managed by the National Government throughout the Republic, several of the Provinces own and manage telegraph lines within their own territories.

In addition to these two classes of lines almost all the railway companies here own and manage their own telegraph lines; and finally there are some private lines in operation.

All telegraph lines in the Republic are, in relation to the internal service, subject to the national telegraph law of September 7, 1875, copy of which you will find among the inclosures heretofore referred to.

In relation to international service, they are subject to the conventions of St. Petersburg, Paris, and Budapesth.

There also exists between the Government and all other telegraph lines in the Republic an agreement prorating the service cost of telegrams passing over more than one line, so that no question of overcharge arises in the working of the whole system.

The fundamental phase of the national telegraph law is that all lines must conform in their tariffs to that established by the national lines. This principle has been by agreement extended to Uruguay, Paraguay, and Bolivia. Under this plan messages sent from one point to another throughout this Republic, or either of the contiguous Republics named, are charged the same tariff. In other words, the cost of a message sent from this city to a point 25 miles distant would be exactly the same as it would be were it sent to any national telegraph office in the Republic or over connecting national lines to any telegraph office in either Uruguay, Paraguay, or Bolivia.

The National Government owns 17,751 kilometers (10,650 miles) of telegraph lines, with a total length of wire of 37,959 kilometers (22,775 miles).

These lines represent a value of $5,811,042 moneda legal (legal money).

The provincial lines, railway lines, and private lines have, all told, an extension of 23,573 kilometers (14,144 miles), with a total length of wire of 55,145 kilometers (33,087 miles).

The total value of these latter lines is fixed at $9,188,958 moneda legal.

All telegraphic lines in the Republic are connected for service one with another.

The national and provincial lines were built by the nation or provinces. None have been acquired from private parties.

The average kilometer cost of the national lines has been $305 ($508 per mile), while that of the railway and private lines has been $251 ($418 per mile). In both instances the whole cost of the line, offices, instruments, and everything required, has been included.

Telegraph offices here are divided into three classes:

First. Those open day and night.

Second. Those open from 6 a. m. to 12 p. m. in the summer, and 7 a. m. to 12 p. m. in the winter.

Third. Those open from 7 a. m. in the summer, and 8 a. m. to 8 p. m. in the winter.

The number of telegraph offices in the Republic in each category is as follows:

No. 1	31
No. 2	41
No. 3	458
Total	530

15 and 16. No such stamps are sold. All messages must be paid for in cash.

17. Telegrams are limited to 100 words. The tariff, not only throughout the Republic, but to Paraguay, Uruguay, and Bolivia as well, is, as above stated, the same, viz: 30 cents moneda legal, fixed charge for each message, and in addition, 3 cents moneda legal for each word therein. The address and signature do not count in applying this tariff.

18. As explained, there is but one tariff, that given in answer to 17. No account is taken of distance when the telegram is directed from any

point in this Republic to any other point in either this Republic or that of Paraguay, Uruguay, or Bolivia.

19. The tariff on press telegrams is 50 per cent of the regular tariff.

20. The press telegrams sent from and received at this city each day amount to about 50,000 words.

21. The annual revenue of the national telegraph lines amounted to $1,157,052 moneda legal last year, and that of the provincial railway and other lines, to $1,106,698 moneda legal.

All telephone lines are owned by private corporations and these have telephone stations in operation in almost every city of importance in the Republic, the number of telephone instruments in use being 24,800.

The monthly charge made here for the use of the telephone varies, but may be stated to be about $12 moneda legal.

No law exists regulating the operation of telephone companies, but I am told that one is in course of preparation.

My own personal observation of the working of the telegraph system here leads me to the conclusion that the service is very much cheaper than with us, but very much inferior to ours in almost all ways.

I have the honor to be, etc.,

WILLIAM I. BUCHANAN.

LAW OF NATIONAL TELEGRAPHS OF THE ARGENTINE REPUBLIC, ACT OF OCTOBER 7, 1875.

CHAPTER 1.—*Relations with the Government.*

ARTICLE 1. The service of all the national telegraphs existing in the Republic and of those which may be established in the future, as well as the relations of civil life to which they may give rise, shall be subject to the prescriptions of the present law, and to the other laws which Congress may enact.

ART. 2. For this purpose are considered national:

First. The telegraphs belonging to the Government.

Second. Those which may be guaranteed, subsidized, or authorized by the Government.

Third. Those which connect a federal territory with one or more provinces. Those which unite a province with another province, and those which put in communication any point of the territory of the nation with a foreign State.

ART. 3. The provinces may construct, or authorize the construction of, telegraphs within the limits of their respective territory without interference of the General Government, but under the obligation of respecting the privileges conceded by the General Government to the other companies.

ART. 4. No national telegraph shall be established in the Republic without prior authorization of the executive power or of Congress.

ART. 5. The following are excepted from the operation of article 4:

Telegraphs constructed by railroad companies for the exclusive service of their lines, and telegraphs constructed for the purpose of the operation of any industrial enterprise; but those telegraphs shall not be opened to the public service without the authorization required by the former article.

ART. 6. The respective companies shall fix in accord with the executive power the charges of telegraph communications over the lines authorized by the nation. In case of disagreement between the com-

panies and the executive power upon this point, the difficulty shall be submitted to three impartial arbitrators, one nominated by each side and the third by the other two. If these two do not agree upon the person of the third, he will be designated by the president of the supreme court of justice. There shall be no appeal from the decision of the arbitrators.

ART. 7. The exective power may, in case of internal or foreign war, or in view of any imminent danger to peace or public order, in the whole or a part of the national territory, suspend or interrupt the service of the telegraph lines connected with the disturbed or threatened points.

ART. 8. In the cases referred to in the former article the executive power may also take for its own account the service of private telegraph lines, paying to their respective companies an indemnity for the time that it may have control of the lines.

ART. 9. The telegraph lines belonging to private companies as well as all the other lines established in the Republic shall be subject to article 98 of this law in regard to the priority of the sending of dispatches.

ART. 10. For the purpose of article 9 the following are considered official or State dispatches:

First. Those emanating from the President of the Republic or from any of his ministers.

Second. Those of the presidents of both Houses of Congress as well as of their committees.

Third. Those of the president of the supreme court of justice, of the attorney-general, of the justices, and of the attorneys of each of the federal courts.

Fourth. Those of the administrators of the national securities; those of the administrators of the mails; those of the instructors and directors of universities and national colleges; those of the superior ecclesiastical authorities; and, in general, those of every head of a national department, provided always that the dispatches be upon public matters.

Fifth. Those of the superior officers of the national forces in matters relating to the service.

Sixth. Those of persons charged by the national executive power with any special commission; upon subjects relating to their mission.

Seventh. Those of governors of provinces and their respective ministers.

Eighth. Those of the judges and attorneys-general of the provinces; of the chief of police; and other judicial and police functionaries—in regard to measures tending to the preservation of the public order, or the apprehension of criminals.

Ninth. Those of presidents of provincial legislatures and of the municipalities upon subjects relating to their service.

Tenth. The replies necessary to any of the telegrams sent by the aforesaid functionaries.

ART. 11. In no case shall the public powers of the provinces expropriate the telegraph lines authorized by the nation, or suspend, or interfere in, the service of the national telegraph lines. When any peremptory necessity of public order may demand these measures the provincial authorities shall consult the national executive power and shall proceed according to their instructions.

ART. 12. The companies authorized to construct telegraphs can not transfer their concessions to other persons without the prior permission of the executive power, or of Congress, according as the case may be.

ART. 13. The telegraph companies that are authorized shall, before delivering their lines to the public service, submit to the consideration of the national executive power their internal regulations, which will be approved so long as they are conformable to the prescriptions of the present law and to the stipulations of the respective contracts.

ART. 14. The materials necessary for the construction and service of the telegraph lines in the Republic shall be introduced free of duty during ten years after they are established.

ART. 15. The national telegraph lines existing in the Republic and those which may be established in the future shall be free from every national or provincial tax, except municipal taxes, for the term of ten years from the date of the promulgation of the present law, or from the date of their establishment.

ART. 16. The executive power may accord exemption from the military service in the national guard of the Republic to the employees who may be indispensable for the construction and good service of the telegraph lines of the Government or of the lines authorized by it.

ART. 17. The executive power shall have the power of making conventions with the companies of foreign telegraph lines for their service in connection with the lines belonging to the nation, which conventions shall be first submitted to the approval of Congress, when they are not confined to mere administration.

ART. 18. The agreements which private telegraph companies may make with the companies of foreign lines for the common service must be submitted to the Congress or to the executive power for definitive approval before going into operation.

CHAPTER 3.—*On the relations of telegraph companies with private persons.*

ART. 28. Every inhabitant of the State has the right to make use of the telegraph lines opened to the public service, by means of the officials of the administration, and subject to the prescriptions of the laws and regulations established for the lines.

ART. 29. The telegraph offices can not refuse to admit and to transmit over its lines the dispatches that may be delivered to them for that purpose.

ART. 30. From article 29 the following are excepted:

First. Dispatches inciting to treason against the Argentine Republic, or of rebellion or sedition against the national or provincial constituted authorities.

Second. Dispatches conceived in terms contrary to morality and to good customs.

Third. Dispatches which have manifestly for object the commission of a crime.

Fourth. Dispatches which would have for object the interruption of justice in the apprehension of criminals, or any other act of its ministry.

In those cases the employee who receives the telegram shall immediately report to the head of the office, who shall refuse its transmission, and place at the disposal of the competent authority the dispatch in question.

If the persons interested consider themselves offended by the refusal of their dispatch, they may appeal to the Director-general of telegraphs, if the matter occurs at the place of his residence, or to the chiefs of police in capital cities, or to the superior administrative authority of the place in which the incident occurs. The decision of these functionaries shall be without appeal.

ART. 31. Every telegraphic employee shall be required to keep absolute and rigorous secrecy upon the contents of dispatches, the transmission of which is confided to him, as well also as to whether a telegram has been, or has not been, received or transmitted.

ART. 32. Dispatches shall be delivered only to those to whom they are directed, or to their representatives, in the form established by Article 110, except in the following cases:

First. Those directed to bankrupts, which shall be delivered to the assignees.

Second. Those directed to criminals who are in arrest and in close confinement, and which shall be delivered to the justices.

Third. Those of designated persons that are demanded by a written order from a competent judge.

ART. 33. The contract celebrated between the sender of a telegram and a telegraphic administration shall be considered as a service contract and shall be governed in its consequences by the principles established by general laws for the regulation of such contract except in the special cases provided in the present law.

ART. 34. Telegraphic companies are held to the faithful and immediate transmission of the dispatches intrusted to them, and will be responsiple for the mistakes, changes, or delays which they may undergo through the fault or negligence of any of their employees.

ART. 35. The responsibility in such cases shall be limited to the restitution of the amount paid for the telegram, but where the mistake has been on the part of the companies or their employees the responsibility will extend to all the losses and prejudices which may have been sustained.

ART. 36. The companies shall be free of responsibility only in case that the mistake, the alteration, or the delay in the transmission of the dispatches were occasioned by some chance accident or by necessity, but it shall be incumbent upon the companies to prove the existence of the accident or necessity.

ART. 37. The responsibility of telegraph companies established in the interior of the Republic and which are connected or which may be connected with foreign telegraph lines, shall be confined to the consequences of the faults committed within their own lines.

ART. 38. When the telegraph lines of distinct companies are connected for common service, the responsibility for the faithful transmission of the telegrams will devolve upon the company that receives them for transmission, saving its right against the other companies, in case that the fault of transmission shall not have occurred in its own part of the line.

ART. 39. In case any company shall be condemned to indemnity for loss and damages, the amount of the latter shall be fixed by impartial arbitrators.

ART. 40. The actions at law which may grow out of the contrct made between private citizens and telegraph companies in regard to the sending of telegrams shall be restricted to the term of one year.

CHAPTER 4.

ART. 41. The judicial responsibility of whoever sends telegraphic dispatches to a third party is the same as that of the author of a letter.

ART. 42. Contracts made by telegraph are perfected in the same manner as those made by letter; that is to say, in accordance with the prescription of the general laws upon the subject.

ART. 43. The difficulties that may arise from the writing of telegrams shall be resolved by the same rule of logical interpretation that governs writings in general.

ART. 44. Every communication, advice, information, instructions, or orders given by letter correspondence, such as orders to pay, notification of the price of securities, and public funds, orders for the acceptance of letters of exchange, instructions to proceed in law suits, to celebrate contracts, and other acts of this class may be given by means of the telegraph, and will have the same validity, provided that the dispatch was delivered to the person to whom it was directed, or to his agent or attorney.

ART. 45. The public powers of the nation may, in case of urgency, communicate by means of telegraph the orders, instructions, or decrees that are issued, and these will be considered as authentic and will be obeyed as such, provided they are vested with the formalities required by the constitution or laws. There are excepted from this article the decrees and orders which may have for object the execution of sentences inposing capital or corporal punishment, and those in which criminals are ordered to be placed at liberty who are in the hands of justice.

ART. 46. The dispatches sent competent judges containing orders of arrest, sequestration, embargo, or other analogous dispositions shall be considered as originals, and shall be obeyed by the authorities or persons to whom they are directed.

ART. 47. The immediate responsibility for the losses which may occur through error or alteration in the transmission of telegrams to which Article 34 refers, shall be at the charge of the persons initiating the negotiation by telegraph, without prejudice to his rights of reclamation against the company in the cases foreseen by this law.

ART. 48. Every person or persons who constructs an electric telegraph, without previous authorization by the Government, shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding two years, and the work shall be destroyed.

ART. 49. Railroad companies or manufacturing companies which keep up their private telegraph for the public service without the previous authorization of the Government shall be punished with a fine not exceeding $500 for the first offense, and $1,000 for every repetition.

ART. 51. Every person or persons who obtains the contents of dispatches transmitted by telegraphs, through means of wires and machines joined to the lines, shall be punished by a fine not exceeding $1,000, and by imprisonment not exceeding one year, or by both fine and imprisonment.

ART. 52. Every person or persons who, through imprudence, negligence, or nonobservance of the rules, contribute to interrupt the service of electric telegraphs, whether by destruction of the wires, of the posts, of the instruments, or by placing obstacles in the way of employees, shall be punished by a fine not exceeding $100, and imprisonment not exceeding one month. If the offense be committed by an employee, the penalty shall be doubled.

ART. 53. Every attack or violent resistance against the inspectors or watchmen of the telegraphic lines in the exercise of their functions shall be punished by a fine not exceeding $200, or by imprisonment not exceeding two months.

ART. 54. Every telegraph employee who violates the secrecy of correspondence transmitted by him, or who voluntarily changes the contents of a dispatch, to the injury of the person sending it, or of the

person to whom it is sent, shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year.

ART. 55. If the alteration in the dispatches has been committed through carelessness or nonobservance of the regulations on the part of the employee, or if it has not produced any injury, the penalty shall not exceed $200, or two months imprisonment.

ART. 56. Every telegraph employee who makes use, for his own benefit, or for that of a third party, of the information given in a private dispatch, shall be punished with double the penalty fixed in article 51.

ART. 57. To every person who knowingly sends or delivers a false or forged dispatch, or who contributes to give such a dispatch to the operator, for the purpose of defrauding any person or the public, shall be punished with a penalty not exceeding $500, or by imprisonment not exceeding six months. The telegraph employee who transmits that class of dispatch, knowing its falsity, or its criminal purpose, shall be punished by double the penalty.

ART. 58. Every employee transmitting a dispatch inciting to treason against the Argentine Republic shall be punished by imprisonment at hard labor at from two to five years; and for the incitement to rebellion or sedition against the constituted national or provincial authorities, he shall be punished by a fine not exceeding six months, or by both.

ART. 60. Every employee not requiring the identification of the person sending a telegram in the cases mentioned in article 82 shall be punished by a fine not exceeding $300 and by imprisonment not exceeding three months.

[NOTE.—Article 82 directs telegraph companies to require the identification of the person sending a dispatch when it concerns any of the following objects: Orders for the payment of money, notification of the price of securities and public funds, orders for the acceptance of letters of credit, instructions in criminal cases, and propositions and acceptation of bases for contracts.]

ART. 78. Telegraphic dispatches must be written in Spanish; but may be written in other languages when special regulations permit it. They must be written in ink, legibly and in Roman characters. Their meaning must be clear and their language intelligible. They must not contain either combinations of words, nor corrections, nor abbreviations, nor ink spots, nor erasures.

ART. 79. The use of cipher dispatches, except in the case of official dispatches, is prohibited.

ART. 91. Every sender of a dispatch may require his dispatch to be repeated in full by the office to which it is sent, paying for that service a special rate, and this repetition shall be sent to his address immediately after its receipt.

ART. 98. The transmission of dispatches shall be in the following order:

1. Dispatches as to the service of the lines.
2. Official dispatches.
3. Dispatches upon the service of railroad lines.
4. Dispatches for the newspapers and commercial exchanges.
5. Private dispatches.

ART. 102. Private dispatches classified by the sender as "urgent" may be preferred in their transmission to those of a higher category which do not bear the same classification. Every telegram classified as "urgent" shall pay a special rate.

ART. 114. Every sender of a dispatch will be entitled to repayment of the charge paid in any of the following cases:

1. When, through interruption in the line at the time of the transmission, the dispatch can not be sent.

2. When, through notable errors in the transmission or by a great delay in it, the dispatch has not been able to perform its purpose.

3. When the sender withdraws a dispatch before its transmission.

ART. 117. The originals, the copies of dispatches, and the paper ribbons containing the telegraphs, shall be preserved in the archives of the offices for at least three years, with all necessary precautions in point of secrecy. After that time they may be destroyed.

ART. 118. The originals and the copies of dispatches shall be communicated to no one but the sender or the receiver.

ART. 121. The tariff of rates for the dispatch of telegraphs shall be uniform without regard to distance, and are to be established by a special law.

ART. 122. The minimum price for a dispatch shall be applied to each series of ten words or less of text, not including the domicile of the sender or receiver or the date.

ART. 125. Every word underscored shall count for two; every initial and numerical cipher shall count for a word.

ART. 127. The tariff for telegrams to newspapers and periodicals, with information of general interest, shall be less than the ordinary tariff; nevertheless, in no case shall there be a lower price fixed for a single dispatch than that established for a simple private telegram.

ART. 132. Every repeated telegram shall pay a double rate.

ART. 135. Every sender of a telegram may prepay the response, fixing the number of words.

ART. 136. If the reply contains less words than have been paid for, the difference shall be returned.

ART. 139. The charge for every dispatch presented for transmission must be paid in advance.

ART. 140. The charge for dispatches may be paid in lawful money or by postage stamps.

ART. 141. The telegraph lines of the Government may be hired to the public for use in conversation.

ART. 142. This can not be done, however, in a manner to interfere with the ordinary service, and therefore it will only be allowed outside of the hours which the regulations fix for this service. Nevertheless, the Departments may authorize it within that line if business permit it.

ART. 156. The immediate administration of the Government telegraph lines shall be in charge of an inspector, subordinate to the Director-general of mails and telegraphs.

ART. 157. The inspector of Government telegraphs on receiving his office will take before the direction-general an official oath in this form:

> I swear to keep strictly secret the communications which may be confided to me, and to give to no person knowledge of their contents without a written order from a competent judge.

The same oath shall be taken by the direction-general before the minister of the interior.

ART. 158. The employees of every category having charge of the reception and transmission, as well as of the archives, shall take a similar oath before the inspector of telegraphs or before the person delegated by him.

ART. 159. The employees of the Government telegraph shall be exempt from every obligatory political or civil charge.

ART. 160. The Government telegraph offices shall be established as far as possible in the same building occupied by the post-office.

ART. 161. The responsibilities imposed upon private companies for mistakes committed by them or by their employees is extended to the Government telegraphs in the same form.

ART. 162. The present law shall go into effect six months after its promulgation.

Given in the chamber of the Congress of the Argentine Republic in Buenos Ayres the 30th of September, 1875.

J. BENJAMIN DE LA VEGA.
MARIANA ACOSTA.

CARLOS H. SARAVIA,
Secretary of the Senate.
MIGUEL SORONDA,
Secretary of the House of Deputies.

OF THE GENERAL ORGANIZATION OF THE TELEGRAPH SERVICE IN THE ARGENTINE REPUBLIC.

The following is a summary of the laws of the Republic on that subject:

ARTICLE 1. The administration of mails and telegraphs is in charge of a director-general, and is divided into a secretaryship which shall be under his immediate dependence, and into three sections.

The first section comprises the direction of accounts and control in the collection and payment of funds, and the intervention in matters belonging to the service which are not expressly determined by these regulations.

The second section (the mail service) comprises the internal and external postal service, the transportation of the mails, and mail carriers and expresses by land or water.

The third section (telegraph service) comprises the immediate direction of the service of the telegraph lines belonging to the Government, and the exercise of superintendence over the general direction on private lines established in the Republic.

ART. 2. For the purposes of the general service the postal and telegraph territory of the Republic is divided into districts and circumscriptions.

The districts will have under their orders the number of offices which the law directs. or which the executive power, or the resolution of the general direction, assign them.

The second will comprise the provinces, districts, or sections, as the general direction will determine.

THE DIRECTOR-GENERAL.

ART. 3. The director-general is the principal head of the administration, and is the only intermediary with the Government and with foreign authorities and administrations in all the regulations of the service.

ART. 4. His attributes and duties are:

1. To execute and watch over the strict performance of the laws of mails and telegraphs.

2. To improve the service and to extend the means of communication of both branches, making use for that purpose of the resources

granted by the estimates and special authorization of the executive power.

3. To create new mail and telegraph offices and branches, as far as they can be extended with the means indicated in the preceding paragraph.

4. To decide on the advantages which the establishment of new private telegraph lines may offer, taking into account all the conditions and points in relation to them.

5. To arrange the tariffs for the branches under his charge and to formulate the estimate of salaries and expenses of the administration.

6. To determine the functions and residence of the employees.

7. To transfer them as the exigencies of the service may require or for faults which they may commit in its performance, and to designate temporarily others in their places, reporting the facts to the executive power.

8. To fill newly-created posts, subject to the disposition of the latter part of the preceding paragraph.

9. To issue commissions or appointment papers to the personnel of the administration.

10. To interfere in contracts or commissions granted to any transportation company for the sole object of establishing clauses to guarantee safety in the transportation of the mails.

11. To contract for all the building of lines, instruments, materials, stamps, etc., for mails and telegraphs, messenger service, mails by horseback, steamboats, etc.

12. To grant to the employees leaves of absence with pay, not to exceed one month. These leaves of absence may be extended to a year, in which case they shall be without pay and with the provision of a substitute.

18. To require from the owners of private telegraph lines, when he thinks proper, all the data of the service and movement of their lines.

19. To make use of the funds voted for general expenses, where there is urgent necessity, reporting to the ministry.

20. To suspend the transmission of any private telegram, which, in his judgment, may be dangerous to the safety of the State or which may be contrary to the laws of the country, to public order, to good customs, or which may be written in insulting terms, leaving to the interested party the legal proceedings which the telegraph laws point out.

21. To delegate his functions, in case of absence or sickness, to the council of the chiefs of sections, or to any of them, as he may deem proper.

22. To propose to the executive power the nomination of representatives accredited to the postal and telegraph conventions which may be held, within or without the country, and to formulate the instructions by which they should be guided.

23. To arrange, ad referendum, postal and telegraph treaties for facilitating international exchange and for binding closer the relations with foreign countries.

24. To arrange with the American Union for the purpose of guaranteeing the common interests of the "Universal Postal and Telegraph Union" by means of the holding of international conferences.

25. To present an annual report on the movement of mails and telegraphs.

26. To maintain, by all the means within his control, postal and telegraph communications.

27. To execute and cause to be executed the law of accountability.

28. To deposit the amount of the receipts in bank to the order of the treasury department.

29. To maintain a relief fund for the employees of the administration with the resources applicable for that purpose.

30. To have executed the building or repairs which the best public service may require in the lines, not exceeding a cost of one thousand national dollars, and to project those which may exceed that sum, submitting the plans and estimates to the executive power.

31. To intervene, by himself or his agents, in the construction of lines which may be built for the account of the Government.

32. To dictate and reform the regulations of the service authorized by the Government.

33. To give notice, by means of correspondence through the respective offices, of every declaration of bankruptcy and appointment of trustees, which may be communicated by a competent judge, as well as of the appointment of executors, caretakers, or guardians in case of failure, insanity, or incapacity judicially declared, and of the appointment of friendly or judicial liquidators in case of the dissolution of commercial companies.

34. To direct the retention of correspondence directed to persons who are subject to the action of justice when the competent authorities require it, taking care for that purpose to fulfill all the requisites which the law establishes.

35. To nominate commissions of citizens not connected with the administration for advising the director-general in matters in regard to which they have been appointed.

THE INSPECTOR-GENERAL OF TELEGRAPHS.

ART. 79. The inspector-general of telegraphs of the Republic is the immediate administrator of the telegraphs belonging to the nation.

ART. 80. The inspector-general will be directly responsible to the general director of mails and telegraphs.

ART. 81. The attributes and duties of the inspector-general are:

1. To adopt the means which he may consider convenient for the quickness of communications.

2. To arrange a permanent service in the offices of limited service when he believes it necessary, reporting on the subject to the director-general.

3. If, by any accident, the service is interrupted through the fault of employees, he may employ fit persons to remove the difficulty, reporting afterwards to the director-general for approval. The persons employed under these conditions may or may not be nominated by the director-general; but the services which they render will be always compensated.

4. To authorize the transfer of employees in the same locality.

5. To send employees on missions in case of urgency, reporting afterwards to the director-general.

6. To inspect, by himself or by means of his subordinates, the national telegraph offices of private companies.

7. To maintain permanent intervention in private telegraph lines when the director-general orders.

8. To indicate to the director-general the transfer of employees between different localities.

9. To concede the location of lines through telegraph conferences.

10. To suspend payment for services to companies which do not comply with the prescriptions of the general regulation.

11. To suspend the use of cipher dispatches between banks and commercial houses, reporting immediately to the director-general the reasons for adopting that course.

12. To make use of the funds for the preservation of the lines in the form which he believes most advantageous.

13. To give instructions to every employee whom he commissions.

14. To propose to the director-general the annual estimates for telegraph lines.

15. To draw up the bases for contracts of every kind connected with telegraphs.

16. To examine closely the aquisition of materials and instruments.

17. To project enlargements in the telegraph lines and offices.

18. To decide on every subject reported to him.

19. To act as engineer in chief of all the works of a technical character.

20. To examine closely the course of the teaching establishments depending on the general direction.

21. To project reforms of the regulations.

22. To propose the modifications which he may judge necessary in the telegraph laws, the charges, and in the internal and international convention.

23. The inspector-general will also exercise the functions which may be assigned to him by the director-general.

GENERAL REGULATIONS OF THE INTERNAL-SERVICE TELEGRAPH LINES.

ART. 1. Every telegraph line, whether special or belonging to a railroad, is a national telegraph in any of the following conditions: When it is the property of the nation, or is guaranteed, subsidized, or authorized by it; when it passes over federal territory; when it crosses the boundaries of a province or those of the Argentine Republic. The lines constructed within the territory of a province and without any interference of the National Government are provincial telegraphs.

ART. 2. The present regulation is strictly applicable in all its parts to the national telegraphs. The provincial telegraphs are only subject to it in those points in which the civil, commercial, or criminal law governs their regulations. All the private telegraph lines enter, without any exception, into the classification established in article 1, and are consequently subject to the prescriptions of that rule, so far as that class corresponds to it. The general direction of mails and telegraphs will enforce the prescription of those regulations through the intermediary of the inspector-general of telegrams of the Republic.

ART. 3. In order to construct a special national telegraph line, the authority of the executive power or of Congress is required. The authorization of Congress is only necessary when the company desires to enjoy any special privilege.

ART. 4. If, in the general authorization for establishing a railroad or any industry whatever which finds itself in conditions analogous to those expressed in article 1, it is not provided that the telegraph line may perform public telegraphic service, the company which desires to have that double character is required to ask the authority of the executive power or of Congress, according to circumstances.

ART. 5. In soliciting the concession of a national telegraph line, the application must be accompanied by a sketch of the route, showing all the stations, and, besides, a succinct discription of the line which may permit of its degree of importance being judged of approximately.

The route may be parallel with the national roads and may cross the water courses at any point, but so as not to interrupt the public service. The line may cross towns and private grounds on arrangements made with the municipal authorities and with the proprietors in the form established by the telegraph laws.

ART. 6. The concession is to be made on the bases formulated by the general direction of mails and telegraphs; the concession will show the date on which the definitive project is to be submitted. When any privilege is accorded, the concessionaire will be under the obligation of presenting the complete project on the date indicated under penalty of losing the concession.

ART. 7. The concession can not be transferred without previous permission of the executive power or of Congress, as the case may be.

ART. 8. The companies may solicit the right to use and dispose of the portion of public lands of the nation which the line crosses which may be necessary for its construction and service, as well also as the right to take the water and stones which may be met on those lands and which may be necessary for the construction of the line or stations. The stations can not be at a greater distance from each other than 25 kilometers (15 miles) except for reasons of public interest, which the companies will have to prove fully.

ART. 9. When a national line, whether belonging to a private company or to a province, is to cross a line belonging to the nation, it must cross below it except in those exceptional cases in which the general director of mails and telegraphs will judge it indispensable to permit a change to the contrary.

Between the ground and the lowest wires there must not be less than 3½ meters (11 feet), and the minimum distance between the wires from one line to the other shall be 600 centimeters (17 feet). When, in order to comply with this rule, it is necessary to raise the line belonging to the Government, the expense shall be defrayed by the contracting company and the work shall be done to the satisfaction of the director-general of mails and telegraphs.

ART. 10. The company holding the grant shall not begin the work without the executive power having first approved the definite plan.

ART. 11. The project must show plans, descriptive memoir, and general estimate of cost. The plans will include—

(*a*) A complete description of the line and stations, specifying the number of telegraph posts per kilometer, the number of wires, and the dimensions and quality of those materials.

(*b*) General description of the ground and of the nature of the soil.

(*c*) Description of the sources of electricity and of the instruments which are to be employed.

(*d*) Indication of the date at which the works shall begin and their probable duration.

(*e*) The agreements made with the municipalities and landowners for the passage of the line through towns and private property.

ART. 12. The material necessary for the construction and service of the telegraphs in the Republic will be admitted free of charge during the ten years subsequent to the establishment of the lines, but the companies can not sell or give away the materials without the previous permission of the executive power.

ART. 13. In order that a telegraph line may be open to the public service, it is required that the general direction manifest its approval of the construction and of the internal arrangement. The necessary cost for the inspection of the lines shall be defrayed by the company.

ART. 14. The railroad companies whose lines are classified as national, which by their franchise are not authorized to carry on a public telegraph service, will have to solicit authority for that purpose from the executive power or from Congress, and shall submit its regulations to the executive power on the same conditions as the special telegraph lines.

ART. 15. Any modification whatever of the route of the line must be previously authorized by the executive power.

If, by any circumstance, the telegraph posts or wires should become an obstruction to the public service or an injury to the owners of the lands on which they are placed, the company will be required to remove them on the petition of the Government officials, of the municipal councils, or of the parties injured, presented to the federal court, which will proceed summarily. In those cases the companies will be required to build at their own cost the doors which may be necessary for the line inspectors to enter on inclosed grounds. These doors will be closed by a lock, the key of which under no pretext will be delivered to the owners.

ART. 16. All national telegraph companies, without exception, are required to fix their rates by agreement with the executive power. In case of disagreement the difficulty shall be submitted to three impartial arbitrators, named one by each side, the third by the other two. If these two can not agree on the selection of the third, the latter shall be appointed by the president of the supreme court of justice. From the decision of the arbitrators there shall be no appeal.

ART. 17. In case of internal or external war, or in the view of any imminent danger for the peace or public order in all or in part of the territory of the nation, the general direction of mails and telegraphs may suspend or intervene in the service of the national telegraph lines which are connected with the points disturbed or threatened. In that case no indemnity shall be paid.

ART. 18. In the case referred to in the preceding article the director-general of mails and telegraphs may also take, for the account of the executive power, the service of the private telegraph lines, paying to the respective companies an indemnity for the time that it has maintained the lines in its charge. This indemnity will be estimated by the average product of the lines during the preceding six months.

ART. 19. The international lines shall not undertake interior service without the authority of the executive power of the nation, and all their operators must be Argentine citizens, appointed with the previous assent of the director-general of mails and telegraphs.

TELEGRAPHIC CONVENTION BETWEEN THE ARGENTINE REPUBLIC AND RUSSIA.

The following are extracts from the convention of St. Petersburg:

ART. 1. The high contracting parties recognize in every person the right of communicating by means of the international telegraphs.

ART. 2. They undertake to adopt all the dispositions necessary to insure the secrecy of correspondence and its regular transmission.

ART. 3. Nevertheless they declare that they do not accept any responsibility on account of the international telegraph service.

ART. 4. Each Government undertakes to keep up for the international telegraph service special wires in sufficient number to guarantee the rapid transmission of telegrams. These wires will be established and utilized in the best condition which the practice of the service suggests.

ART. 5. The telegrams shall be classified into three categories:

(1) Government telegrams: Those which emanate from the head of the State, from the ministers, from commanders in chief of the land and naval forces, or from the diplomatic or consular agents of the contracting Governments, as well as the replies to those telegrams.

(2) Service telegrams: Those which emanate from the telegraphic administration of the contracting Governments, and which are related either with the service of international telegraphy or with objects of public interest, determined by agreement between such administration.

(3) Private telegrams: The Government telegrams are entitled to priority of admission over other telegrams.

ART. 6. Government and service telegrams may be sent in cipher.

Private telegrams may be sent in cipher between two States which admit that form of correspondence.

The States which do not admit private cipher telegrams, either where they originate or where they are destined to, will admit of their being sent *in transitu*, except in case of suspension foreseen by article 8.

ART. 7. The high contracting parties reserve to themselves the power to withhold the transmission of every private telegram which they may consider dangerous for the safety of the State or which may be contrary to the laws of the country, to public order, or to good custom.

ART. 8. Each Government reserves to itself the right to suspend the service of international telegraphy for an indefinite time, if it judges necessary, whether generally or simply over certain lines, or for a certain class of correspondence, notifying immediately each one of the other contracting Governments.

ART. 9. The high contracting parties undertake to permit the use to every sender of the different combinations connected with the telegraphic administration of the contracting Governments for the purpose of giving greater guaranties and facilities in the transmission and delivery of correspondence.

They also undertake to place the sender in condition of taking advantage of the arrangements adopted and notified by any of the other governments for the employment of special means of transmission or of delivery.

ART. 10. The high contracting parties declare the adoption of the following bases for the formation of the international rates.

The rate applicable to all correspondence exchanged over the same route, between the offices of either of the two contracting parties, shall be uniform. For the application of the uniform rate, however, a single state in Europe may be subdivided into two great divisions at least.

The amount of the rate shall be established from state to state by agreement between the governments at either end, and the intermediate governments.

The rates of charge applicable to correspondence exchanged between the contracting states may be at any time modified by common agreement.

The franc is the monetary unit, to serve for the composition of international rates.

ART. 11. The telegrams relating to the service of the international

telegraph lines of the contracting powers shall be transmitted free on all the lines of said states.

ART. 12. The high contracting parties will render account to each other of the rates collected by each of them.

ART. 18. The governments which have not taken part in the present convention will be admitted to it whenever they request. This admission will be notified diplomatically to the contracting government on whose territory the last convention may have been held, and by that government to all the others.

ART. 19. Telegraphic relations with the nonadhering states, or with private companies, shall be regulated in the general interest of the progressive development of communication.

ART. 20. The present convention shall take effect from January 1, 1876 (new style), and will remain in force for an unlimited time, and until the expiration of a year from the day on which denunciation shall be made.

The denunciation shall have no effect except as to the state which will have made it. For the other contracting parties the convention will remain in force.

AUSTRIA-HUNGARY.

Mr. Tower to Mr. Sherman.

No. 26.] UNITED STATES LEGATION,
Vienna, November 10, 1897.

SIR: In reply to the circular of Acting Secretary Day, dated the 17th of July, 1897, relating to the postal savings banks of Austria-Hungary, I have the honor to inclose herewith copies of the laws upon that subject—namely, the law of the 28th of May, 1882, upon which the system in this Empire is based, and the law of the 19th of November, 1887, by which it was enlarged and extended—and also to answer the questions specifically enumerated in the circular.

POSTAL SAVINGS BANK—SPARVERKEHR.

Question No. 2. "The annual aggregate amounts of deposits in postal savings banks as shown by official reports for each year since the establishment of the system."

The following table sets forth the amounts of the deposits in the two branches of the Austro-Hungarian system—the postal savings bank in its simple form (Sparverkehr), and the enlarged banking department added by the law of 1887 (check and clearing Verkehr), respectively—for each year from 1882 to 1896, both inclusive:

TABLE.

[Changed from florins to dollars.]

Year.	Savings bank.	Check and clearing bank.	Year.	Savings bank.	Check and clearing bank.
1883	$1,629,206.14	$43,698.03	1890	$8,578,466.30	$13,604,309.82
1884	2,532,071.20	2,050,851.82	1891	9,936,797.85	14,996,068.24
1885	3,562,887.08	6,761,076.58	1892	11,734,091.70	17,073,811.26
1886	4,321,612.65	11,433,432.26	1893	13,472,575.15	19,764,948.46
1887	5,114,820.73	11,170,380.57	1894	15,370,620.60	21,149,910.24
1888	6,042,477.50	11,188,297.52	1895	17,699,324.80	21,816,771.33
1889	7,218,183.15	12,665,598.40	1896	19,876,794.67	25,661,999.10

Question No. 3. "What is the rate of interest paid to depositors?"

Three per centum per annum in the savings bank (Sparverkehr) and 2 per centum in the check and clearing Verkehr.

Question No. 4. "What limits, if any, are placed upon the amounts received on deposit?"

Each deposit must be, at least, 50 kreutzers (20 $\frac{3}{10}$ cents) or a multiple of 50 kreutzers; but the aggregate amount, including deposits and capitalized interest, standing at any one time to the credit of a single depositor in the savings bank (Sparverkehr) can not exceed 1,000 florins ($406).

There is no restriction placed upon deposits made in the check and clearing Verkehr.

Question No. 5. "What is the shortest period for which deposits are received?"

The law provides that the savings bank (Sparverkehr) shall cash checks for sums from 10 florins ($4.06) to 100 florins ($40.60) within fifteen days after demand made; for sums between 100 florins and 500 florins, within one month, and for sums above 500 florins, within two months.

In practice, however, this provision is not availed of, and payments are made upon demand. There is no restriction of this kind in the check and clearing Verkehr.

Question No. 6. "What is the average amount of individual deposits annually?"

In the savings bank (Sparverkehr) the average deposit during the year 1896 was 18 florins 87 kreutzers ($7.66); the average deposit to the credit of an account was 29 florins 10 kreutzers ($11.81); and the average credit to the account of a depositor was 48 florins 34 kreutzers ($19.62).

In the clearing and check verkher, during the same period, the average deposit was 134 florins 99 kreutzers ($54.81); the average deposit to the credit of an account, 51,718 florins 66 kreutzers ($20,997.78); and the average credit to the account of a depositor, 2,080 florins 45 kreutzers ($844.66).

Question No. 7. "Are the certificates of deposit transferable; and if so, under what regulations?"

The certificate of deposit under the Austro-Hungarian system is in the form of a small deposit book, in which credits are entered in the name of the depositor, who is the owner of the book and controls the account. This book may be transferred to another person, with the right to draw upon the account; but the transfer can take place only by a formal proceeding, duly witnessed, in some post-office of the Empire which is a station under the postal savings bank system.

Question No. 8. "Are the certificates of deposit convertible into Government bonds; and if so, upon what terms?"

Every depositor has the right to request the savings bank to convert the whole or any part of his credit upon its books into Austrian Government securities. The purchase of such securities as he may designate takes place immediately at the prices quoted at the Vienna Stock Exchange upon the day on which his demand is received at the postal savings bank. A charge for this service is entered against his account of one-tenth of one per centum of the value of the securities so bought, but this charge must be in any case not less than 20 kreutzers (8.12 cents).

The postal savings bank system of Austro-Hungary was based upon that of England, and at its establishment in 1882 English rules were

adopted for its administration. But since that time the differences of method in the transaction of business in the two countries have caused a gradual divergence of the Austro-Hungarian system from its model, and, with the growth of its influence at home, have introduced many changes necessary to adapt it to the needs and usages of Austrian life. Its value as a public institution, especially in the opportunity which it offers to people to save small sums of money, is incalculable, while the facility with which its services may be availed of for this purpose and the small cost at which the savings of the people are securely kept for them have led to its adoption in all parts of the Empire by a large number of depositors, which number is shown by the official returns to be increasing year by year.

In the beginning, no depositor was allowed to have a greater sum standing to his credit at one time than 300 florins ($121.80), but it was found that this restriction narrowed the particular benefits which it was intended to offer to small capitalists, and that an extension of the limit would greatly increase the efficiency of the institution. The law was amended, therefore, and the aggregate of deposits allowed to stand to the credit of one person was made 1,000 florins ($406). Beyond this point the savings bank does not refuse to receive the money of its depositors when offered, but the rule has been established that all deposits thus made beyond the limit fixed will be invested by the savings bank, to the credit of the depositor, in Austrian Government securities, and these will either be kept for him or delivered to his order.

In this department of the Austro-Hungarian system, known as the "Sparverkehr," the savings bank simply, there were at the close of the year 1896 1,174,902 depositors, of whom 64,811 had opened new accounts during the year. The aggregate of the amounts standing to the credit of these depositors at the same period was 49,691,987 florins in cash and 19,027,910 florins in Government securities (about $20,000,000 and $7,650,000).

At the end of five years of general use of this system, it was found that the postal savings bank furnished facilities so greatly needed by the people and so readily accepted by the community of business men throughout the Empire that it was beginning to supply, as far as its legal restrictions would permit it, machinery for interchange of traffic with which we are familiar in America in connection with our system of national banks.

In respones, therefore, to the requirements which the situation had developed, the Government established the enlarged system, borrowed from the English banking methods, and opened, in 1887, a department of the postal savings bank—until then unknown here—called from its origin the check and clearing department. This is substantially a banking system, under the care and supervision of the Imperial and Royal Government, carried out through the post-office, by which enormous advantages have been afforded to the people of the Austro-Hungarian Empire, and the whole mass of small commercial transactions greatly facilitated. Deposits are made in this department in the same manner as in a national bank in the United States, and are subject to check as there. In addition to this, the department renders great service to its depositors by paying and collecting bills for them, buying and holding in safe deposit Government securities, collecting promissory notes and other certificates of indebtedness when due, and paying taxes due by depositors to the Government.

At the close of the year 1896 the number of depositors in the check and clearing verkehr had increased to 30,837, and the aggregate of

deposits in cash was 64,154,998 florins ($25,662,000), with Government securities held for depositors valued at 6,919,050 florins ($2,767,620). The volume of business transacted by this department during the year 1896 reached a maximum of 3,310 millions of florins (1,324 million dollars); 33⅓ per centum of this consisted of transfers made from one account to another upon the books of the department.

I have the honor to transmit herewith copies of the rules and regulations governing both the savings bank, Sparverkehr, and the check and clearing Verkehr, with a full translation of the latter into English, in order to present in somewhat more serviceable form the interesting details as to its character and administration.

Every post-office in the Austro-Hungarian Empire is a station, sammelstelle, of the postal savings bank, and may be used either for making deposits or receiving payments upon checks at any time during the prescribed post-office business hours. Any person may become a depositor in the savings bank; so also may companies, societies, congregations, or trustees. Although 50 kreutzers (20.3 cents) is the smallest amount which will be received upon deposit, postal cards may be had at any post-office, upon which postage stamps for smaller sums may be pasted, and when the amount of such stamps shall have reached the sum of 50 kreutzers the postal card with the stamps attached to it will be accepted as a deposit. Deposits to the amount of 300 florins ($121.80) will be received by the rural letter carriers. Such deposits, when they do not exceed 10 florins ($4.06), are accepted free of charge, but for sums beyond that amount a "collection tax" of 5 kreutzers (2.3 cents) must be paid. The savings bank in Vienna receives from its depositors coupons of Austrian Government securities, which it collects when due and places the proceeds to the credit of the depositor. The charge for this service is 1 kreutzer (four-tenths of 1 cent) per coupon.

After every deposit of any kind made at a post-office, the depositor receives, in addition to the entry made in his deposit book at the time of the transaction, an "acknowledgment of receipt" Empfangsbestätigung, from the central office in Vienna. If such an acknowledgment should not reach him within fourteen days after any deposit made or if an error appear in the statements contained in it, he is authorized to call for such acknowledgment or for the correction of the error; for this purpose special blanks and envelopes are furnished by the department, which may be had free of charge at any post-office, and, when filled out and addressed, are forwarded to the central office free of charge.

Interest at the rate of 3 per cent per annum is paid upon all accounts above 1 florin (40.6 cents).

Interest is calculated from the 1st or 16th day of each month, and begins upon whichever one of these days next follows the date of the deposit. On the 31st of December of each year the amount of interest is credited to each account and added to the interest-bearing capital, unless the depositor directs otherwise.

As the limit fixed by law for any single account in the savings bank is 1,000 florins ($406), if the account of a depositor should exceed that amount the authorities are required to notify him to reduce his account. If he should not so reduce it within one month, the amount of the excess will be invested for him in Government securities. Every depositor has also the right to call upon the authorities of the savings bank at any time to buy Government securities for him to the extent of the whole or any part of the sum standing to the credit of his account. Securi-

ties bought for the account of depositors will be forwarded, at their cost and risk, subject to their order, or will be held for them, free of charge, in the vaults of the postal savings bank in Vienna. In the latter case, the Government assumes all liability as to safe-keeping and delivery of the securities.

The check and clearing Verkehr department of the Austro-Hungarian postal savings bank differs from the former in this, that there is no limit placed either upon the amount standing to the credit of a depositor or the amount that he may withdraw from his account, except that no single check can exceed 10,000 florins ($4,060). The depositor here does not receive a deposit book, as in the Sparverkehr; but upon opening an account in the department a check book is given to him, and notice is afterwards sent him from the savings bank, upon a blank form prepared for that purpose, every time a change takes place in his account. In this manner, he is informed of the entry of every deposit, the payment of every check drawn by him against his account, and he always receives an official statement of the balance remaining to his credit after the last transaction he has made.

In order to become a depositor under this system an application is made to the postal savings bank in Vienna, upon a Government form, which is supplied free of charge at any post-office. This application is to be accompanied by the sum of 1.50 florins (60.9 cents) in payment of the check book, and a sum necessary to pay for such a number of "receipt-deposit blanks" as the depositor may ask for, at 1 kreuzer (one fourth cent) apiece. When the application is granted the check book and blanks are sent through the post-office to the applicant. The savings bank reserves the right, however, to reject any application, as it may see fit. The initial deposit made by the new member is in the nature of a guarantee fund, which is held by the department as a guaranty for the payment of all charges made against the depositor during his membership. It consists of the sum of 100 florins ($40.60), and can not be drawn against by check, but is returned to the member upon fifteen days' notice at the time of the withdrawal of his account. If this guarantee deposit be not made within six months of the admission of an applicant, his membership will be canceled.

Great facilities are secured to the members of this department by the adaptation of the principle of post-office money orders to a new system of banking, into which many ingenious devices have been introduced for the payment of bills and the collecting of outstanding indebtedness, and generally the transaction, through the letter carriers or the local post-offices, of a large volume of business otherwise not practicable here. In this respect the check verkehr department of Austria-Hungary has the advantages, especially for people in the smaller towns and the outlying rural districts, of a widely distributed and far-reaching national banking system.

It is proper for me to mention, and I do so with great pleasure, the courtesy of the director of the Austro-Hungarian Savings Bank, Baron Wacek, who expressed a perfect readiness to supply any information asked for by the Department of State and assisted the representative of the United States personally in making inquiries relative to the savings bank system of this Empire.

I am forwarding under a separate cover a package of documents made up by him for our Government in this connection, and I have the honor to inclose a list of them herewith.

I have, etc.,

CHARLEMAGNE TOWER,
United States Minister.

RULES GOVERNING THE CHECK AND CLEARING SYSTEM OF THE IMPERIAL ROYAL POSTAL SAVINGS BANK DEPARTMENT OF AUSTRIA-HUNGARY.

The check and clearing system of the postal savings banks consists of a system whereby sums of money may be deposited with the cashier of the postal savings bank or any post-office of the kingdoms and countries represented in Parliament to the account of any member, and whereby, from the credit thus established, amounts for immediate payment by the depositor may be ordered at any time by means of checks in one of the forms described in section 3. Participation in this system, in so far as the party may also wish to join the clearing system, will be granted by the postal savings bank upon the deposit of a guarantee deposit.

(3) Deposit books will not be used in this system; notice of all deposits and payments is given by means of statements of account (Conto-Auszüge) which are sent to a member by the postal savings bank each day upon which a change has taken place in the account.

(4) No limit is placed upon the amount of deposit or the amount standing to the credit of any member, but saving cards can not be used as deposits in the check system.

PARAGRAPH 1.—*Admission to the check and clearing system.*

(1) Any person wishing to join the check system is required to make application to this effect to the postal savings bank in Vienna on one of the blanks provided for the purpose (No. 37*a*), obtained free of charge at any post-office, and is further required to apply for the opening of an account, as also the issuing of a check book, together with a suitable number of receipt-deposit blanks (a book of at least 10); this order is to be accompanied by the cost price (1.50 florins=$0.60) for the check book, and one kreutzer (¼ cent) each for the receipt-deposit blanks.

(2) The postal savings bank reserves the right to reject any application for membership in the check system without giving reasons therefor.

(3) If an application is granted, the postal savings bank will open an account in the name of the applicant, and will send him the check receipt-deposit blank books ordered, as also three copies of blank No. 37*h*.

(4) The latter serve to identify in the postal savings bank the signatures of those persons who shall be authorized to draw checks, i. e., who shall be empowered to draw upon the funds standing credited to an account in the books of the savings bank. These applications are to be filled out in due form and then returned to the postal savings bank in Vienna. The return is to be made, even if no one else besides the depositor is authorized to sign. The signature thus identified will remain valid until the postal savings bank is notified by the depositor to the contrary.

(5) The postal savings bank extends to every new check-book owner a particular invitation to join the clearing system, which is open to every participant in the check system, and to subscribe for the lists of new members of the clearing system.

(6) The guaranty deposit, which until further notice is fixed at 100 florins ($40.60), is to be paid by means of a receipt-deposit blank (see paragraph 2*a*) at the postal savings bank or at any post-office within

six months after admission to the check system. Should this deposit not be made within this period the account will be canceled.

(7) The guaranty deposit is to be held by the postal savings bank as long as the depositor remains a member of the check and clearing system. No use can be made of the guaranty deposit during the period of membership in the check and clearing system, and in case of withdrawal from the system, it will be returned only on giving 15 days' notice.

PARAGRAPH 2.—*Deposits in the check system.*

Deposits in the check system may be made in various ways, as follows:

(*a*) By means of receipt-deposit blanks.

(*b*) By means of money orders, reimbursement money orders, and transfer money orders.

(*c*) By crediting the net proceeds of coupons due upon Austrian Government securities, which said coupons may be sent in or delivered to the postal savings bank for collection.

(*d*) By credits in the clearing system.

(*e*) By crediting amounts collected upon commercial paper made payable through the postal savings bank.

DEPOSITS BY MEANS OF RECEIPT-DEPOSIT BLANKS.

The receipt blanks with attached deposit blanks and coupons are sold by the postal savings bank in packages of 10, 20, 50, and 100 at the rate of 1 kreutzer (four-tenths of a cent) apiece. Orders for these are to be made in the first instance by means of the blanks No. 37*a* at the time of making application to the check system, and in the case of subsequent orders by the use of blanks No. 37*b*, sent to participants for the purpose.

With the first order the cost price of the blanks is to be sent to the postal savings bank; in all subsequent orders the amount may be charged to the account of the member.

The receipt-deposit blanks are printed either in German alone or in German and one other of the languages of the Empire. Accordingly, in ordering, the desired edition is to be stated.

All receipt and deposit blanks before being issued by the postal savings bank will have the number of the check account for which they are intended printed upon them, and the receipt slips will also have the name and address of the depositor.

In order to make a deposit, a page of the receipt-deposit book (a receipt blank, together with a deposit blank) is to be filled out in the proper manner with ink, and then, with the amount of the deposit, to be handed in at a post-office. The post official, upon receiving the amount to be deposited, will receipt the receipt blank, stamp it with the post-office seal, and return it to the person making the deposit as a receipt therefor. The deposit slip, however, will be detached by him and sent to the postal savings bank with the daily report. The postal savings bank, immediately upon the receipt of the same, will enter the deposit to the credit of the aforesaid check-book owner, and notify him thereof by means of a statement of account (Conto-Auszug), to which the deposit slip will be attached. Deposits not to exceed 500 florins ($203) may also be made by means of the receipt deposit blanks through the Government letter carriers.

In cases of this kind the receipt-deposit blank, carefully filled out, together with the amount to be deposited, is to be turned over to the

Government letter carrier, who gives an interim receipt for the same, makes the deposit at the post-office, and on his next trip exchanges the receipt slip received by him from the post-office for the interim receipt given by him to the depositor. For every deposit so made the Government letter carrier will receive a collecting tax of 5 kreutzers (2 cents). For his own personal convenience in the making of deposits a "control number" may be placed on the face of deposit slips by a depositor for identification, and this number is not to be considered a written communication, but nothing further shall be added, either by the check-book owner or the party making the deposit. This rule applies whether the additional matter be written or made in any other way, as by a stamp, or by print, or by the parting of words or figures, marks, etc.

The back of a deposit slip may be used for written communications to the depositor by the addition of a 2-kreutzer (four-fifths cent) postage stamp. Deposit slips with written communications are exempt from the 2-kreutzer tax in all cases in which the ordinary correspondence of the depositor would be exempt. Deposit slips with such communications must be indorsed with some such notice as "exempt from postage," "ecclesiastical matter," etc., according to the provisions of article 5 of the law of October 2, 1865.

Receipt and deposit slips containing erasures, cancellations, or changes of any character whatever, whether in the printed text or in the deposit amount, will not be accepted by the post-office. Likewise badly soiled or torn receipt or deposit slips will be rejected. A particular kind of receipt-deposit blank is to be had under the name of "tax and duty payment" blanks, which consist of a receipt and deposit blank with a postal card attached, and by means of which payments of taxes and duties for lower Austria may be made at any post-office.

These blanks may be had at the postal savings bank and at all post-offices and postage-stamp sellers in lower Austria at the rate of 5 kreutzers (2 cents) each.

There are three kinds of these payment blanks, as follows:

(*a*) Tax-payment blanks, of a green color, for payments to the city central tax bureau in Vienna of amounts due the tax bureau or the city districts cashiers.

(*b*) Tax-payment blanks, of a red color, for payments to the imperial and royal tax bureau and chief tax bureau in lower Austria, and also to the pay office of the tax bureau in Hietzing.

(*c*) Duty-payment blanks, of a light brown color, for payments to the imperial and royal tax bureau pay office, as also to the treasury and court deposit pay offices in Vienna; also to the imperial and royal tax bureau and chief tax bureaus in lower Austria.

Deposit is made in the same manner as with the ordinary receipt-deposit blanks; the payer receiving for every payment so made, however, beside the signature of the post-office on the receipt blank, a particular "departmental receipt" from the tax bureau or pay office, for which the payment was intended, the postal card attached to the deposit slip being used for this purpose.

DEPOSITS BY CREDITING MONEY ORDERS.

Every depositor in the check system residing within any of the kingdoms and countries represented in Parliament may demand that the amounts of all money orders, with the exception of telegraphic money orders, received for him under his address at the post-office within his district shall be placed to the credit of his check account at the postal savings bank.

For this purpose depositors, except such as reside within the first district of Vienna, shall present to the post-office in their respective districts legalized authority to receive and place those sums to their credit, and shall accompany such authority with a suitable number of receipt-deposit blanks.

On this authority the post-office will transmit to depositors daily the amounts of money orders placed to their credit, use being made of a receipt-deposit blank. The coupon of the money order will be detached, and, together with the receipt blank, will be forwarded to the depositor in an envelope.

Private post-offices and those situated in the rural districts shall receive for the transmission of such letters the ordinary tax of 1 kreuzer (four-tenths of 1 cent), without reference to the number of coupons therein contained.

Depositors in the first district of Vienna must present to the money-order division of the main post-office the authority for the postal savings bank to receive and credit money orders, but in this case a supply of receipt-deposit blanks to accompany the order is not required. In this case, also, the coupons of the money orders will not be transmitted detached by the post-office, but they will be delivered by the postal savings bank at the same time with the "conto auszüge" (statements of account), in which the amounts will be shown. All depositors may, moreover, have their post-office money orders addressed in the following manner:

To the imperial and royal postal savings bank for Mr. ——, in ——, Vienna.

Authority to receive money orders is not necessary in such cases.

In the internal traffic of the kingdoms and countries represented in Parliament, also in Hungarian territory, Bosnia, and Herzegovina, those senders of postal orders who are depositors in the check system of the postal savings bank may demand, by a written and signed notice at the foot of the postal order blank, that the money collected at the postal savings bank in Vienna shall be placed to the credit of their accounts.

In such cases the post-office which issues the post-office money order will address the same to the postal savings bank in Vienna, instead of to the maker, and put upon the coupon of this money order, beside the name and place of residence of the receiver, the name and the address of the maker in some such form as the following:

John Winter, in Graz, for credit to the account No. —— of Anton Schwarz, in Brünn.

Likewise the sender of a post-office collection order, who is at the same time a depositor in the check system, may have the amount of the collection order placed to the credit of his account at the postal savings bank. For this purpose it is only necessary for him to address the collection order, attached to the postal address of the same, to the postal savings bank in Vienna and to give, on the coupon of the collection order, the name and place of residence not only of the receiver, but also of himself in some such form as the following:

On John Winter, in Graz, to the credit of the account No. —— of Anton Schwarz, in Brünn.

For the cashing and crediting of post-office money orders of every kind, the postal savings bank will charge at the rate of one kreuzer (four-tenths of a cent) each, and these amounts will be deducted from the account of the check-book owners.

Printed forms of power of attorney may be obtained at the postal savings bank and at every post-office.

(*c*) Deposits by crediting the amounts of coupons payable upon Austrian Government securities sent in, or delivered to the postal savings bank for collection.

The postal savings bank will accept from check-book owners, for collection, coupons of Austrian Government securities, and will credit their respective accounts with the net proceeds arising therefrom.

For this purpose check-book owners will either hand in their coupons to the cashier of the bank, or will send them by mail to the postal savings bank in Vienna. Every single coupon, whether handed in, or sent in by mail, must have on the back, distinctly written, the number of the account, and the name of the depositor; unless a list containing the series and numbers of the coupons, as also the account number and signature of the depositor, be presented.

For the collection of coupons the postal savings bank will charge 1 kreuzer (four-tenths of 1 cent) per coupon, the amount to be deducted from the net proceeds.

(*d*) Deposits in the clearing system.

When a check-book owner becomes a member of the clearing system, the postal savings bank will, without previous inquiry, place all checks made payable to him to his credit, and only such will be ordered paid in cash as carry the special notice, "Outside of the clearing system."

DEPOSITS BY CREDITING THE PROCEEDS OF COMMERCIAL PAPER MADE PAYABLE THROUGH THE POSTAL SAVINGS BANK.

The owner of commercial paper, bills of exchange, drafts, promissory notes, etc., made payable through the postal savings bank, may demand, upon presentation of the same, that, instead of being paid in cash, it be placed to the credit of his account. When such paper is sent in, the amount will either be credited to the account of the sender, if the latter happens to be a depositor in the postal savings bank, or, the money will be remitted to him through a post-office money order, at his own expense, in case he is not a member of the check system.

PAYMENTS IN THE CHECK SYSTEM.

Drafts upon the account of a depositor must be made by means of checks. The only exception to this rule is made in the case of the small charges which the postal savings bank itself deducts from the credit of the depositor. Checks are issued by the postal savings bank to the participants in the check system in books of fifty each, at the uniform price of 1 florin and 50 kreutzers (60.9 cents) per book, 1 florin (40.6 cents) of the amount being stamp tax, and the other 50 kreutzers (20.3 cents), the cost of issuing.

Public officials, employees, and persons exempt from the payment of the stamp tax receive upon demand special stamp-free blank checks at the price of 50 kreutzers (20.3 cents) per book.

The first order is to be made at the time of application for admission to the check system on blank No. 37a, and later orders on the blank No. 37e, issued for the use of members for this purpose. The amount called for by the first order is to be sent in with the order itself to the postal savings bank. In later orders a request is to be made that the amount be deducted from the depositor's account.

Checks are printed either in the German language only, or in that and one other of the languages of the Empire. In ordering checks, depositors will specify what issue is desired.

All checks before being issued by the postal savings bank shall have the number of the particular check account and the name and address of the depositor printed thereon.

The rules which govern the issuing of checks and the methods employed in drawing upon the credit of a depositor are as follows:

GENERAL RULES FOR THE ISSUING OF CHECKS.

A check may be issued only for a sum less than the amount on deposit; but no check shall be made for a sum exceeding 10,000 florins ($4,060).

The amount of deposit to be drawn upon is that shown by the last statement of account (contoauszug) of the postal savings bank received by the depositor, less the guaranty deposit of 100 florins ($40.60).

Checks are to be used in the order of their sequence, and the printed forms are to be carefully and properly filled out.

In this connection the following is to be noted:

The first of the written words indicating the amount must always be commenced with a capital letter.

No space must be left between the printed sign for florin and the written amount.

The space after the written amount (and after the figure representing kreutzers, if any) is to be filled out with a heavy line.

The amount of florins must be written in letters connected with each other, and in such a manner that the figures denoting the highest amount shall be named first; those denoting the lowest, last.

For example:

33 florins, Thirty-three.
105 florins, One hundred-five.
289 florins, Two hundred-eighty-nine.

In order to prevent any alteration of the amount of a check, the maker must also fix the amount of it by the rows of figures printed on the edge of the check. This is done by cutting out of each row those figures which are higher than the required thousands, hundreds, tens, and ones necessary to set out the amount in florins.

In order to represent an amount equal to 465 florins, there would be cut off, for example:

(1) All the figures of the first row (thousands).
(2) The five last figures of the second row (hundreds).
(3) The three last figures of the third row (tens).
(4) The four last figures of the fourth row (ones).

On the first row there would remain, therefore, no figures.

In the second row there would remain, in the last place, the figure 4, equal to 400 (4 times 100).

In the third row there would remain, in the last place, the figure 6, equal to 60 (6 times 10).

In the fourth row there would remain, in the last place, the figure 5, equal to 5 (5 times 1)—taken together, 465 florins, which is the amount written in the check.

Example: 465 florins.

Thousands.	To be cut off.							
Hundreds.	1	2	3	4	To be cut off.			400
Tens.	1	2	3	4	5	6	To be cut off.	60
Ones.	1	2	3	4	5	To be cut off.		5
								465

When a check is made to the amount of 10,000 florins none of the indicating figures are cut off.

Amounts in kreutzers are to be denoted by figures in their respective places on the check, without reference to the indicating figures on the edge.

The signature attached to a check must correspond with that previously made known to the postal savings bank on the printed blank No. 37h.

Checks with corrections, erasures, or remarks between the printed lines will not be accepted.

Spoiled checks are to be crossed out, to be marked "spoiled," and to be returned to the postal savings bank in Vienna.

The postal savings bank can not be held responsible for any damages resulting from the loss of checks or misuse of the same. It is, therefore, to the personal interest of every depositor to exercise great precaution in the care of the check book. In case a single blank check or a whole check book should be lost, the postal savings bank should be notified at once.

In the check book there will be found before each blank check a coupon which bears a number corresponding to that on the blank to which it is attached. This coupon enables the check-book owner to keep his own record of his account, of the payees to whose order checks have been drawn, the amounts thereof, etc.

B CHECKS PAYABLE TO THE BEARER AT THE POSTAL SAVINGS BANK IN VIENNA.

If a depositor should desire to have the payment of a check made at the pay office of the postal savings bank in Vienna, to the bearer thereof, he will make out the check as already designated, and will either present it in person at the aforesaid pay office, or will give it or send it, without indorsement, to the person or firm to whom payment is to be made.

Such person or firm may cash the check at the pay office of the postal savings bank in Vienna during the banking hours (week days only, from 9 a. m. to 3.15 p. m.) without further formality; or the said person, or firm, may use the check in making payments within fourteen days after its date; but no endorsement of any kind is to be placed upon it.

The bearer, upon presenting the check in proper form to the paying teller of the postal savings bank in Vienna will receive the amount on sight; provided, of course, that the amount on deposit is sufficient.

Should the check be presented for payment after the expiration of the fourteen days of grace, the postal savings bank may refuse payment.

The paying teller of the postal savings bank reserves the right also to reject checks which bear indorsements, or such as are made payable to some particular person.

A depositor under the check system of the postal savings bank may order to be placed to the credit of this account, instead of cashing them immediately, all checks drawn to his order and payable at the postal savings bank. For this purpose he merely notes the fact, over his signature, on the back of the check and then sends it in to the postal savings bank.

In case the holder of a check drawn to the bearer has no account in the postal savings bank, he may send in the check and demand that the amount be forwarded to him.

This will be done, however, only by a post-office money order, and by deducting from the amount of the check the postage required therefor.

INDORSEMENT OF MONEY ORDERS OF THE POSTAL SAVINGS BANK.

If a depositor desires to have payment made at a post-office to himself or some other particular person, instead of to the bearer of the check, he will place on the back of the check, made out as already indicated above, the address of the person or firm to whom such payment is to be made and add his signature. It is advisable, in order to prevent confusion or mistake, that this address be given with great exactness and clearness. Care should be taken to note the nearest post office to small villages or places, and, in large cities, the street and number as far as possible, of the residence of the person addressed.

The check thus made out is to be sent directly to the postal savings bank in Vienna; the latter will immediately send to the person or firm designated a check, which can be cashed at the post-office named thereon.

The check is to be sent to the designated person or his authorized agent in the same way and under the same regulations as a post office money order would be sent. The coupon attached to the check and carrying on its face the amount of the order and the name of the depositor to whose account the check is to placed and on the back the printed words, "Imperial Royal Postal Savings Bank in Vienna" and the stamp of the department, may be detached and kept by the receiver before presenting the check. Payment is made to the owner of the signed check upon presentation.

In all places where the post-office money-order system is in operation checks will be received and money orders issued thereon, but not in sums to exceed 500 florins ($203), and upon the payment of the usual money-order tax.

Check money orders addressed to bankrupt firms or persons will be delivered to the administrators appointed by the court.

Envelopes (blanks No. 78) used for the purpose of sending in checks to the postal savings bank will be delivered to check-book owners, upon demand, by the business office of the postal savings bank in Vienna, in packages of 50 each, for 15 kreutzers (6.9 cents), and 100 each for 30 kreutzers (13.8).

Orders for these envelopes are to be addressed directly to the office of the postal savings bank, and the cost of the same will be deducted from the applicant's account.

D. INDORSEMENT TO A THIRD PERSON BY MEANS OF POST-OFFICE MONEY ORDERS.

Sums of money may be ordered paid by checks to persons living in Hungary or in foreign countries. For this purpose a depositor, after making out his check in the usual manner, will write upon the back, over his signature, the words "For the issuing of a post-office money order in favor of A. B., in N.," and will then send this check to the postal savings bank in Vienna.

The amount to be paid may be given on the check either in Austrian currency or in the currency of the country for which the payment is intended, as marks and pfennigs, or francs and centimes.

Upon receiving such a check the postal savings bank makes out a post-office money order for the given sum and sends this at once to the address given on the check. The postage required for this purpose will be charged to the account of the sender, in addition to the amount of the check, and this transaction will appear also in the "Conto-Auszug" (statement of account) sent him.

If the transmission of the amount is to be made through a telegraphic post-office money order, the fact is to be plainly stated on the check.

E. INDORSEMENT TO A THIRD PERSON BY MEANS OF THE CLEARING SYSTEM.

Check-book owners may make payments to each other in a simple manner by sending in to the postal savings bank checks made out in the regular manner and containing on the back, over their signature, the words: "For credit to the account of Mr. A. B., in N."

In such cases the amounts of the checks will be deducted from one account and placed to the credit of the other in the postal savings bank and each check-book owner will be notified at once of the transaction and a statement of his account sent him by means of the "Conto-Auszug."

Should a check-book owner desire that all checks made out in his favor, even when they do not contain the above-stated notice, be placed to his credit without further notice, it will be necessary for him to show to the postal savings bank his admission to the clearing system which entitles him to the privileges of the system.

This notice is to be made by using the section for that purpose of the invitation sent to every new member of the check system (blank No. 81).

The postal savings bank issues a list of all those check-book owners who have joined the clearing system; and this list will appear, until further notice, annually. Supplements will be added as they become necessary.

This list may be subscribed for at the price of 1 florin (40.6 cents) per annum. Single copies of these lists and their supplements may be had at the price of 80 kreutzers (32.48 cents) for the principal list, and 20 kreutzers (8.12 cents) for the supplement.

If a check, made payable to a check-book owner who has joined the clearing system, be intended for payment and not for credit to the account of the check-book owner, the maker thereof will note plainly on its back the words: "Outside of the clearing system."

All depositors in the clearing system may make transfers from their own accounts to the accounts of those belonging to the clearing system of the Royal Hungarian Postal Savings Bank, or by indorsement to

accounts in the Austro-Hungarian Bank. In such cases the checks must be indorsed as follows:

To the credit of the check account in the Royal Hungarian Postal Savings Bank, No. —— of ———. (Name or firm) in —— (place); or, for transfer to the account of —— (name or firm) in the Austro-Hungarian bank in ———. Signature ———.

But these indorsements shall be subject to the tax of one-fourth or one eighth per thousand, as the case may be. (See Division V.)

For the payment of taxes and imposts by transfers to the tax bureau and treasury pay offices in lower Austria, the check must be accompanied by a carefuly filled-out tax or revenue-payment blank (see Division II a), and the indorsement on the check must read:

For deposit to the credit of the account of the tax bureau (treasury pay office, etc.) in ———, as per accompanying payment blank.

REDEMPTION OF CERTIFICATES OF INDEBTEDNESS.

In addition to the issuing of checks, the check-book owners may redeem certificates of indebtedness and other obligations through the postal savings bank.

The postal savings bank will pay legally drawn drafts, notes, due-bills, accounts, etc., which are provided with the required revenue stamp, and in which the amounts are expressed in Austrian currency.

Obligations payable in Vienna must be made payable at the postal savings bank. Those payable at places not in Vienna must be made payable through the postal savings bank, with the notice, "Payable at the postal savings bank in Vienna."

A depositor may make a request for the redemption of commercial paper by drawing a check for the amount of the paper and endorsing the check, "For the payment of the amount of the accompanying obligation," adding the date of the obligation and his own signature. It is to the personal interest of the maker to give as thorough a description of the obligation as possible, in order to prevent its becoming confused with one of a similar nature. Ordinarily a separate check is to be made out for each separate obligation. In cases where the amounts of more than one obligation are to be paid the same date, a single check may be drawn for the sum total of all the obligations. In this case, however, a description of each certificate of indebtedness is to be appended to the check, and the check to be endorsed

For the payment of the several obligations set out and described in the accompanying list.

The checks, together with the lists appended to them, are to be sent in to the postal savings bank, in a departmental envelope, before the date upon which the obligations fall due; and they serve, at the same time, as notice. The checks may, however, be sent directly to the holder of the commercial paper, and be presented or sent by him to the postal savings bank for collection, with the paper attached.

Commercial paper may be presented for payment either by itself, when the notice check has been sent directly to the savings bank, or, with the check attached, may be handed to the cashier of the postal savings bank, or sent in from any outlying point to the postal savings bank.

Upon presentation to the cashier of a certificate of indebtedness, the amount of the indebtedness may be called for in cash, or a demand may be made to have the amount placed to the credit of the person so presenting it. When commercial paper is sent in for payment, the amount

collected will either be placed to the credit of the sender, if he be a depositor in the postal savings bank, or, if he should not belong to the check system, the money will be remitted to him by means of a post-office money order, at his own expense.

The department charges the sum of 10 kreutzers (4.6 cents) for each payment made of a certificate of indebtedness, which amount will be deducted from the account of the party who draws the check for such payment.

Certificates of indebtedness for the redemption of which a sufficient fund has not been deposited in bank, will be rejected and returned at his own cost to the person who presents them for payment.

Where payment has been made, the person presenting the certificate of indebtedness will be notified by means of the "Conto-Auszug." If the maker of the check should desire the return to him of the redeemed obligation before that time, however, he may so request, and upon his giving a receipt for the same, in advance, it will be forwarded to his order.

G. PURCHASE OF GOVERNMENT SECURITIES.

Check-book owners may order purchases for their accounts, through the postal savings bank of Austrian Government securities, if they have on deposit the funds necessary to pay for the same.

Such orders must be accompanied by checks for the cost price of the securities to be purchased, and are to be sent to the postal savings bank. The applicant must note on the back of the check, over his signature, the kind and number of securities, as also any further directions as to delivery, deposit, etc. It is advisable, in order to expedite the purchase as much as possible, to inclose such checks in the green envelopes, No. 43, which are intended especially for business relating to Government securities. These may be obtained at any post-office.

Purchases will be made as soon as possible after receipt of the order, and at the current prices officially quoted upon that day at the Vienna Exchange. A commission of one-fifth of 1 per cent will be charged upon the aggregate amount, but this commission must equal at least 20 kreutzers (9.2 cents).

The Government securities so purchased will, upon the request of the depositor, either be sent, at his own cost and risk, to the address given on the check, or they will be preserved, free of all cost, and with a guaranty as to kind, number of pieces, coupons, and the numbers of such as may be redeemed by lot. "Security books" will be furnished for the securities thus deposited, and will be sent to the depositor free of postage.

Coupons of Government securities deposited with the postal savings bank will be collected at maturity and placed to the credit of the check-book owner; or at his request, previously made, and for a commission of one tenth of 1 per cent, they will either be sent directly to him or will be cashed and remittance made to his order.

The owner of a "security book" may call at any time for the delivery to himself, or the sale of, his deposited Government securities.

Application for this purpose is to be made on blank forms No. 22*c* and 24, obtained at any post-office, and are to be addressed to the postal savings bank.

Sale follows at the market price officially quoted by the Vienna Exchange, a deduction of one-fifth of 1 per cent, or at least 20 kreutzers (9.2 cents), being made as commission.

The cashing or discounting of deposited Government securities

redeemed by lot will be done by the postal savings bank at the request of the depositor (security-book owner); a commission of one-tenth of 1 per cent will be charged therefor.

The net proceeds of the Government security sold, or redeemed by lot, may either be placed to the credit of the check-book owner or sent to any address.

Transmissions of cash, Government securities, and coupons are not exempt from postage.

The postal savings bank undertakes to hand in for "vinculirung"[1] to the State-debt office such Government securities as may be purchased for depositors.

This may be done, upon request of the depositor, either immediately after the purchase of the securities, in which case the "vinculirungs" tax and the cost for purchase will be reckoned together; or a request may be made for the "vinculirung" of Government securities already deposited in the postal savings bank and entered in the security books, and in the latter case the amount of the tax, 40 kreutzers (18.4 cents) for each "vinculirung," including the cost of the blank form, is to be remitted in postage stamps accompanied by the application (made out on blank No. 22c) and by the "security book."

The application must in every case contain an exact description of the "vinculum;" also the information as to where the beneficiary wishes to collect interest; otherwise it will be understood that interest will be collected at the State-debt office in Vienna.

When the "vinculirung" has been completed, which ordinarily takes place from three to four weeks later, the postal savings bank will send the "vinculirte" security to the address to be given to the department before the introduction of the "vinculirung." Should an interest table be required, the same will be forwarded to the party thus entitled by the I. R. state-debt office.

INTEREST ON DEPOSITS IN THE CHECK SYSTEM.

Deposits in the check and clearing system, including the initial (guaranty) deposit, will bear interest, until further notice, at the rate of 2 florins (81.2 cents) per hundred per annum. Interest commences on the 1st or the 16th of the month following the entry of the deposit, and ends with the expiration of the month or the 15th of the month last preceding the closing of the account.

Amounts of less than 1 florin (40.6 cents) will not carry interest.

On the 31st of December of every year the accumulated interest will be added to the principal, and this sum will thenceforth carry interest at the same rate.

For the calculating of interest thirty days will constitute a month.

CHARGES MADE FOR THE USE OF THE CHECK SYSTEM.

For the use of the privileges of the check and clearing system there shall be collected, besides those already enumerated, and besides the remuneration for blanks placed at the disposal of parties, the following taxes:

1. A manipulation tax of 2 kreutzers (one-half cent) for every entry made in connection with an account, as a deposit, an order, a credit, etc.
2. A commission of 2½ per cent for each indorsement on sums not exceeding 3,000 florins, and ⅛ per 1,000 on sums exceeding that amount.

[1] A deposit of securities in trust under certain conditions provided for by the Austrian law.

These taxes will be collected by deducting the various amounts of the same from the respective deposits, ordinarily after every 50 entries, but always at the close of each year or upon the withdrawal of a depositor from the system.

The following are exempt from the payment of any commission:

(*a*) The charges made against accounts in the clearing system.

(*b*) The sums sent out by the postal savings bank through post-office money orders.

(*c*) The amounts deducted from accounts through the purchase of Government securities for members of the check system; and, finally,

(*d*) All charges, commissions, etc., deducted from accounts of depositors for the credit of the postal savings bank.

EXEMPTIONS FROM POSTAGE RATES IN THE CHECK SYSTEM.

The correspondence of the postal savings bank and its officials with the members of the check system is exempt from paying postage.

The checks in the check and clearing system are subject to no tax beyond that of 2 kreutzers (two-thirds of a cent) for each check (paragraph 7 of the law of February 29, 1864, No. 20).

The directions added to a check by the maker thereot, under the rules and directions by which a third person is designated as the payee of the specified amount, are free of postage, as are also all requests for the issuing of post-office money orders and the redemption of certificates of indebtedness, the powers of attorney issued to the postal savings bank, and all receipts exchanged between the postal savings bank and its members. The Conto-Auszüge (statements of account) issued by the postal savings bank to its members are free of postage.

TIME LIMIT OF CLAIMS IN THE CHECK SYSTEM.

The postal savings bank preserves in the check and clearing system all closed accounts, documents, and correspondence for a period of three years. Claims referring to deposits, checks, payments, interest, tax calculations, etc., must be made, therefore, within that period. Claims relative to post-office matters, as a post-office money order, registered letter, etc., must be made under the provisions of the postal regulations, which govern such cases.

CHANGES IN FIRMS HOLDING CHECK BOOKS.

When a check-book owner makes a change in his firm and wishes to transfer his account with the postal savings bank to the new firm, he must give notice to the department of the change on printed blank form No. 66, issued for this purpose; and he must prove the right of the new firm to control the balance standing to his credit with the postal savings bank at the time of the change in the firm as well as to any amounts that may be paid in afterwards on the old receipt-deposit blanks.

In such cases the check book of the old firm is to be returned to the postal savings bank and a new one for the new firm will be issued under the same number as that of the old book and account.

The persons authorized to draw checks are to be introduced to the postal savings bank through official printed blank No. 37*h*, issued therefor, three copies of the same being inclosed for each person.

The receipt-deposit blanks containing the name and number of the old firm retain their validity, and deposits made upon them on the old account will be credited to the new firm.

WITHDRAWAL FROM THE CHECK SYSTEM.

The postal savings bank reserves the right to request, at any time, the immediate withdrawal from the system of a member and his deposit, whereupon the member shall not be entitled to draw further upon his account by means of checks.

But any member of the check and clearing system has the right to withdraw at any time from the system by requesting the return of his initial (guaranty) deposit, surrendering his right to draw checks, and by returning his check book to the postal savings bank.

The return of the initial deposit is made fifteen days after the receipt at the department of notice of withdrawal. Upon demand the stamp tax of 2 kreutzers each (two-thirds of a cent) will be refunded to the depositor for each unused blank check returned to the postal savings bank.

If deposits by means of the recipt-deposit blanks should be made to an account after the same has been closed, the deposited amounts will be immediately returned to the depositor with the reasons therefor.

PRESERVATION OF BUSINESS SECRETS.

The employees of the postal savings bank and the post-offices are bound to guard all business and department secrets, and they are rigidly prohibited from giving information, except to their superior officers, of any character whatever concerning the names of members, the amounts deposited or withdrawn by them, extents of deposits, etc.

ADVANTAGES OF THE CHECK AND CLEARING SYSTEM.

By the introduction of the check and clearing system in the postal savings bank the opportunity is offered to every individual to collect in the simplest and safest manner outstanding amounts and have them placed to his credit in the postal savings bank, also to make all payments without the slightest risk and without trouble or loss of time or the handling of cash. By means of the receipt-deposit blanks all outstanding amounts are safely collected and at very inconsiderable expense.

A business house, for example, may send to its patrons and customers, or to any person from whom it is to receive moneys, a blank from its receipt-deposit book at the time of rendering of its bill or statement. By means of this blank the receiver thereof (who needs not be a depositor in the postal savings bank) may make payment at any post-office.

Where a business house receives frequent cash payments from some one person, such person may apply for a receipt-deposit blank book of ten, twenty, fifty, or hundred receipt-deposit blanks, according to the frequency of payments made.

Business houses may provide their traveling agents, also, with receipt-deposit blank books. The agents may, by means of these blanks, deposit to the account of their house, at the nearest post-office, without cost or risk, any moneys collected by them, and may write upon the back of the receipt-deposit blank the necessary directions to the postal savings bank in relation to the deposit. The business house will be

notified of the transaction by means of the "Conto-Auszug" (statement of account) and the deposit slip, and will be informed at the same time as to the state of its account.

Associations may collect the dues of their members in the easiest manner by providing them with receipt-deposit blanks when dues or initiation fees are payable. By means of these blanks the members may pay the amount due at the nearest post-office. The association will receive notice of the payment through the "Conto-Auszug" and the deposit slip.

Insurance companies may facilitate the payment of premiums by providing policy-holders with receipt-deposit blanks by means of which they may pay at the nearest post-office quarterly, semi-annual, or annual premiums, whenever these fall due. The insurance company will always be immediately notified of such deposits through the "Conto-Auszug" (statement of account) and deposit slip.

In the same manner newspapers, building societies, etc., may make use of the receipt-deposit blanks.

It is not necessary for check-book owners to cash money orders received by them. They may ask to have the amounts of the same placed to the credit of their accounts. The collection of outstanding accounts and the control of amounts standing on the books of the postal savings bank to the credit of a depositor are made simply and securely by means of the check-deposit system.

An account-holder may either draw amounts in favor of himself, or he may order them paid to third persons in any part of Austria, or he may order them placed to the credit of any other check-book owner. By means of the postal savings-bank checks a depositor may obtain post-office money orders to any country in which a post-office money order may be made payable, or he may provide for the redemption of certificates of indebtedness such as drafts, orders, due bills, etc., or the purchase of government securities for his account.

Lawyers, notaries, administrators of estates, etc., may make deposits with courts, Government authorities, bureaus, and banks, by drawing checks to the order of the courts or the Government authority, where the deposit is to be made, and placing on the back the notice: "Ad. Num. Exh...." The postal savings bank issues, for the respective court or authority immediately upon receipt of the check, a money order, and places on the coupon of the same the number of the business transaction to which the deposit refers.

Merchants in the country who are depositors in the check system of the postal savings bank do not require an agent in Vienna for the redemption of their acceptances; the postal savings bank undertakes the collection and honoring of drafts entrusted to it for a very small commission, whereby risk is avoided and shipments of cash dispensed with.

The greatest advantages, however, are offered to every depositor by the introduction of the "clearing system." In this system the mutual exchange of obligations and demands is brought about through the simple addition and subtraction of amounts ordered by checks, without expenditure of time, as the debiting and crediting takes place in the postal savings bank at the same time, and both depositors are notified thereof at the same time, through the "Conto-Auszüge" (statements of accounts), with the smallest amount of trouble, as the mutual transfer takes place in the postal savings bank itself, without the intervention of the post-office or a third party, and almost without cost, as the postal

savings bank charges no commission for charges connected with the system, but simply a manipulation tax of 2 kreutzers ($\frac{4}{5}$ cents) for both the debiting and crediting.

From the foregoing examples it will be observed that, through the "check and clearing system," the shipment of cash can be entirely dispensed with, and all those disadvantages avoided which are connected with the receiving and paying of cash.

The postal savings bank carries out, in this connection, all kinds of banking business for its members of the check system, so that they may limit their cash on hand to such a sum only as would be necessary to meet a momentary requirement, and thereby relieve themselves of all the inconvenience attached to the care of larger sums.

The capital does not lie scattered and unproductive in single banks; on the contrary, it is brought together by the postal savings bank and profitably invested, which results in the interest paid on deposits to the benefit of the single members.

The money remains in active use, thus increasing the means at hand for payments and circulation, and it is upon the abundance of this that the prosperity of commerce and industry and the standard of value are dependent.

In this manner the check system exercises its beneficent influence not only upon single persons and single classes, but serves also to further the economical development of the entire empire.

BELGIUM.

Mr. Storer to Mr. Sherman.

No. 49.] LEGATION OF THE UNITED STATES,
Brussels, November 11, 1897. (Received November 20.)

SIR: Pursuant to the circular letter of the Department bearing date July 17, 1897, respecting the working of postal telegraphs, telephones, and postal savings banks in various countries, I made application to the Belgian Government for the information desired.

I have received most complete and exhaustive answers to all the inquiries in the Department's circular, which I inclose.

Also I inclose a copy of the letter received from the minister of foreign affairs, with translation.

With the office force at my disposal in the legation, I, of course, have not felt obliged to have translations made of the voluminous answers and printed documents accompanying them.

I call attention to the fact that this letter speaks of specimens of all telegraphic and telephonic Government stamps being inclosed. I opened the package with my own hands and, finding no stamps, took occasion, at first informally and afterwards officially, to inform the ministry of foreign affairs of the omission. I have retained the documents for several days in anticipation of some response, but receiving none up to to-day do not feel at liberty to delay longer. Should the department of foreign affairs send these stamps in the future they will be forwarded at once by another dispatch.

I have the honor, etc.,

BELLAMY STORER.

[Inclosure 2 in No. 49.—Translation.]

M. de Favereau to Mr. Storer.

MINISTRY OF FOREIGN AFFAIRS,
Brussels, October 28, 1897.

Mr. MINISTER: My colleague of the department of railways, posts, and telegraphs has just sent me, and I have the honor to place at the service of your excellency, the inclosed answers to the questions which accompanied your dispatch of 9th August last, in reference to the operation of telegraphs, telephones, and the working of the savings banks in Belgium. .

Your excellency will also find inclosed the different documents referred to in the questions, as well as a specimen of the telegraphic and telephonic stamps now in use in Belgium.

Please accept, Mr. Minister, etc.,

DE FAVEREAU.

Question 1. Copies of all existing laws in relation to the governmental system of telegraphs and telephones, as well as postal savings banks.

A. TELEGRAPHS.

Answer. The texts of the laws and royal decrees relative to the operation of telegraphs in Belgium are inserted at the close of the subjoined "special regulation."

B. TELEPHONES.

Annexed is a copy of the law concerning the establishment and operation of telephone lines, and also a memoir of the obligations of the telephone companies.

[Questions 2 to 8 relate to postal savings banks and Government banks for life insurance, life annuities, etc., and the information on those subjects will be found under their appropriate headings.]

Question 9. Is the Government alone in operating either telegraphs or telephones? And, in either case, when and how has the Government acquired them?

Question 10. When the Government took back the telegraph and telephone lines of private companies how were the redemption prices fixed? If by experts, under what conditions were they named?

Question 11. When the telegraphs and telephones of Belgium were repurchased by the Government what was the first cost of construction and what price has the Government paid?

A. TELEGRAPHS.

Answer. The Belgian Government possesses the monopoly of the operation of telegraphs. It has been established by the Government with funds voted by the legislature, except as to the line from Brussels to Antwerp, conceded in 1846 and redeemed by the State in 1850. This line, established as an experiment by a company to which it was granted, was 44 kilometers (26½ miles) long, and comprised four wires. Under the agreement the company has yielded to the Belgian Government for 60,000 francs ($12,000) its whole operation and all the privi-

leges which had been granted to it, including its patent. We do not know the amount expended by the company in the establishment of this line.

Prior to April 1, 1889, telegraphic communication between Belgium and England was carried on by means of two cables belonging to an English company and connecting, the one Middelkerke (Belgium) and Ramsgate (England), the other La Panne, near Furnes (Belgium), and Dover (England). These cables are still in use to-day. The first, which is 61½ miles long, is formed of 6 wires; the second, which is 47 miles long, of 4 wires, making the number of 10 wires which connect the Belgian and English lines. The two lines are independent of each other in their maritime course.

At the time of the expiration of the concessions granted to the English society (June 2, 1889) the English Government proposed to the Belgian Government not to grant new concessions and to resume at their common expense the Anglo-Belgian cables.

The Belgian Government accepted this proposal, and the annexed convention was signed January 1, 1889. The price of the redemption of these two cables was fixed at the aggregate of £9,900 ($49,500) after a valuation made by two Belgian engineers and by delegates from the English Government. This price was accepted by the company.

We do not possess any data as to the cost of the establishment of the submarine cables.

B. TELEPHONES.

The law of June 11, 1883, authorizes the Belgian Government to undertake itself, or to concede in accordance with the memoir of conditions annexed to that law, the establishment and operation of telephone lines.

By virtue of that law lines were constructed, to wit: In 1883 to Brussels, to Antwerp, to Charleroi, to Verviers, to La Louviere, to Liege, to Louvain, and to Mons; in 1885 to Namur and to Courtrai-Roulers; in 1886 to Malines and to Termonde-Alost.

On the other side the Government itself undertook the building and operation of lines. The first Government line was opened to Ostend in 1886.

The Government redeemed one after another the lines which had been granted in Belgium, and at present the public telephone service is operated by the State exclusively.

The Termonde-Alost line was taken back by the State in 1889; the lines of Brussels, Antwerp, Ghent, Liege, Verviers-Louvain, and Charleroi January 1, 1893; those of Mons and La Louviere January 1, 1894; that of Namur January 1, 1895, and those of Courtrai-Roulers and of Malines January 1, 1896.

With the exception of the lines of Termonde-Alost and La Louvière, which were redeemed on special conditions, the redemption by the State has been operated under the conditions fixed by articles 25, 26, and 27 of the declaration of obligations, annexed to the law of 1883.

The expenses of establishment and operation of the telephone lines built by the Administration of Telegraphs are borne by the public treasury. In all the telephone lines which are in operation in Belgium the subscribers have to pay only the annual subscription in order to have the right of corresponding, either by means of the telephones which are hired to them or by the intermediary of the public offices of the group with all other subscribers of that group.

From the beginning the Government has reserved to itself the operation of the long-distance telephone, the interurban internal service, and the international service. (See farther on the answer to the thirteenth question.)

At the time of the resumption by the State of the telephone lines which were conceded, their value was fixed as follows:

Bell Telephone Belgian Company (lines of Brussels, Antwerp, Ghent, Verviers, Charleroi, La Louvière): Cost of first establishment,[1] 1,761,026.13 francs ($352,205); cost of construction, 2,264,667.13 francs ($453,000).

Bell Telephone Liége Company (Liége line): Cost of first establishment, 100,771.94 francs ($20,155); cost of construction, 301,634.43 francs ($60,327).

Louvain line: Cost of construction, 50,080.51 francs ($10,016).

Namur line: Cost of construction, 95,574.11 francs ($19,155).

The work relating to the resumption of the lines of Mons, Malines, and Courtrai is not finished.

We do not possess any information on the subject of the Termonde-Alost group.

The purchase prices of the lines by the State have been fixed as follows:

Bell Telephone Belgian Company: An annual rent of 758,888 francs ($151,777), which is paid since January 1, 1893, and which will expire September 21, 1908.

Bell Telephone Liége Company: An annual rent of 100,729 francs ($20,146), which is paid since since January 1, 1893, and which will expire September 16, 1908.

Louvain Line: An annual rent fixed provisionally at 6,600 francs ($1,320), to continue from January 1, 1893, to October 28, 1908.

Namur line: An annual rent fixed provisionally at 11,000 francs ($2,200), to continue from January 1, 1895, to June 22, 1910.

The operation of the Termonde-Alost group has been granted to the Pan-telephonic Delocht Society. This society, which has not found in the Pan-telephonic apparatus instruments capable of furnishing the regular service, has been dissolved on its own demand, and the material has been taken by the Government for the sum of 11,066 francs ($2,213). The establishment of the offices was afterwards completed by the State, which has since then operated the line.

Question 12. What were the receipts and expenses of the telegraph and telephone lines in private control, and what have they been under Government control?

A. TELEGRAPHS.

Answer. We do not know the receipts and expenses of the private line from Brussels to Antwerp, constructed in 1846. Later on, in 1850, after the redemption by the Belgian Government, the receipts and expenses have been mixed with those proceeding from other sections of the general line.

The total receipts of the whole line in 1896 amounted to 4,016,184.63 francs ($803,240).

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[1] The cost of first establishment comprises: The property of the different societies which were combined, patents, clientage, costs of organization, etc., the expense of the demolition and suppression of lines (occasioned by the work of unification of the different lines, and by the absence of legislation on the subject), the costs of the ranchise, printing, and stamping of securities, etc.

The expenses during the same year have reached the sum of 5,142,308 francs ($1,028,500).

The direct expenses of the telegraph system exceed the receipts by 1,126,123 francs ($225,260). This figure is more apparent than real. In reality it proceeds from the expenses imposed upon the telegraph service for the gratuitous transmission of the telegrams of other Government departments (railroads, post-office, navy, etc.).

The number of these telegrams has been in 1896, 2,963,712, and it is found that the telegraph system would have increased its receipts by 2,032,216 francs ($406,500) if the different departments of the Government had paid for their dispatches.

On the other side, these departments have aided the telegraph lines (offices, lighting, transportation, etc.) to an amount of about 919,538 francs ($184,000).

The difference of the last two sums, 1,112,678 francs ($222,500), represents the additional receipts which the telegraph lines would have obtained if each branch of the administration paid the other branches for the services which it receives from them.

If, from the apparent deficit of the telegraph department, 1,126,123 francs ($222,500), these supplementary receipts were deducted, it is found that the telegraph service results in a deficit of only 13,445 francs ($2,700).

B. TELEPHONES.

The subjoined table gives, as far as possible, the information required:

Receipts and expenses of telephone lines operated by companies during the last three years of such operation.

RECEIPTS.

[Francs changed to dollars.]

Year.	Brussels, Antwerp, Ghent, Verviers, Charleroi, La Louvière.	Liége.	Louvain.	Namur.
1890	$198,615	$26,000	$3,121	.....
1891	220,000	31,000	3,092	.....
1892	234,000	34,200	3,027	$4,200
1893	.....	.....	.....	4,760
1894	.....	.....	.....	5,351

GENERAL EXPENSES.

1890	$88,000	$12,955	$1,850	.....
1891	88,500	12,555	1,970	.....
1892	80,100	12,210	1,925	$2,780
1893	.....	.....	.....	2,785
1894	.....	.....	.....	2,864

We have no information on the subject of the Termonde-Alost group.

Work upon the Malines, Courtrai, and Mons lines has not been finished. It is not possible, therefore, to furnish the information asked for on the subject of those lines.

Receipts and expenses of the telephone lines operated by the Government.

RECEIPTS.

[Francs changed to dollars.]

Year.	Brussels, Antwerp, Ghent, Verviers, Charleroi, La Louvière.	Liége.	Louvain.	Namur.
1893	$256,075	$37,860	$2,781	.....
1894	272,000	40,800	2,763	.....
1895	298,300	43,270	3,000	$5,200
1896	329,300	47,100	3,020	5,750

EXPENSES.

1893	$156,540	$22,100	$2,800	.....
1894	171,000	25,800	2,950	.....
1895	182,230	29,000	3,270	$4,244
1896 *a*	.....	.....	.....	.....

a Not yet determined for 1896.

The reading of the figures in this table might lead to the erroneous supposition that, under State management, the general expenses of operation are proportionably higher than under private management. If, according to these figures, the expenses appear to have undergone, since 1893, a progression sensibly higher than that of the receipts, it is because the balance sheets of the private companies and the financial accounts of the Government have been kept upon a different plan.

1. The sinking funds are notably carried out by the Government upon a different basis from that adopted by the private companies. These latter did not operate on the sinking fund of the capital shares, while the Government accounts do comprise the reimbursement, at thirty years, of the sums appropriated by the legislature for the redemption of the concessions, as well as for the execution of the works in the first instance and their extension.

In this way the general and operating expenses of the Government have been increased by an annual charge of 209,000 francs ($42,000) in regard to the concession of the Bell Telephone Belgian Company (lines of Brussels, Antwerp, Ghent, Verviers, Charleroi, La Louviere).

On the other side the private companies constituted, it is true, a reserve fund which the Government has not to provide for; but the sums set aside out of which this reserve was created, and which only amounted to an average of 25,000 francs ($5,000) for each of the three years 1890, 1891, and 1892, for the lines mentioned above of the Bell Telephone Belgian Company, were fixed upon the net profits—that is to say, outside of the general and operating expense accounts.

2. The industrial sinking fund has not been carried on in the same way by the Government and by the private companies. The latter carried directly, as costs of operation, the sums paid for works of renewal and repair and maintenance. The value of the offices was charged at the rate of 5 per cent per annum on the furniture and of 2½ per cent on the instruments. In order to calculate the sinking fund of the value of the lines the companies took for a divisor the number of years which the concession had still to run. (The concessions were for twenty-five years.)

The Government does not mention in its accounts the costs of renewal, but it estimates under that head an expense equal to the sinking fund,

in ten years, at 3 per cent of the value of the instruments and of the furniture, and in fifteen years of the value of the lines.

These data are not directly conclusive, and it is not possible to depend exclusively upon them for a demonstration, because the companies have, in their balance sheets, confounded in the same figure the expenses of maintenance and the sinking funds; but, from special calculations that have been made according to the books of account and from observations of a technical order, it results that the delays adopted by the Government for the sinking funds are manifestly shorter than those applied by the companies. It follows, consequently, that the balance sheets present the situation under a too favorable aspect for the companies.

3. The situation presents itself in a view so much more favorable for the companies, as their office establishments were of more recent date, necessitating, therefore, less expense of maintenance and renewal.

It is to be considered also that the companies, in view of a resumption of their grants by the Government have, in the latter times of their operation, incurred only the absolutely necessary expenses to assure the service in strict limits of the memoir of conditions, without caring for the future. It is thus that they have been able to see their receipts increase without diminishing their expenses. The financial results of their last year are entirely instructive in that regard.

The Government has had to be more provident and to operate in view of the farthest possible future. Hence the immediate expenses have been higher.

The Government has had to face, since the resumption of the grants, expenses of maintenance and of renewal so much the greater, as the practice pursued by the company had had for result the maintenance of the lines in an unfit condition. The Government has had to proceed, one after the other, in the almost complete reestablishment of the lines and in the replacing of the instruments.

4. It ought also to be taken into consideration that the operation by the Government has imposed upon it, for the present, a redemption annuity comprising a premium. In other words, the redemption price constitutes for the Government a starting capital higher than that of the companies. (See also the answer to the second question.)

5. In fine, it is well known that the Government, less speculative than a private company, does not hesitate, as the latter would, before unproductive expenses when the public service is concerned. It is enough, in order that the Government shall decide upon it, that the expense presents a utility of general interest. The Government is thus led to create new offices in financial conditions less advantageous.

In any event it must be concluded from the preceding exposé that the operation of the telephone service by the Government is for the present, if not more economical, at least quite as economical as that of the companies; and this operation will become more advantageous when all the renewals shall have been completed, and will improve on the expiration of the term of the reimbursement of the redemption price.

Question 13. At the time of the transfer of the Belgian telegraphs and telephones to the Government, how many offices and how many miles of line were in operation, and how many are there to-day?

A. TELEGRAPHS.

Answer. There existed at the time of the redemption of the line from Brussels to Antwerp three offices and 64 kilometers (32½ miles) of line.

This line, conceded in 1846, had been redeemed by the Government in 1850.

On January 1, 1897, the complete network of Belgium comprised 1,159 offices accessible to the telegrams of the public, and 6,749 kilometers (4,050 miles) of lines. These 6,749 kilometers include 379 kilometers (227½ miles) along the shore line for the service of navigation and for notices of floods; 3,477 kilometers (2,086 miles) along the state railroads; 1,318 kilometers (791 miles) along the railroads operated by private companies; 16 kilometers (9 miles) of underground lines; and 100 kilometers (60 miles) of submarine cables (partly in Belgium) connecting Great Britain with Belgium, and belonging in common, half and half, to the two countries.

B. TELEPHONES.

In 1892, that is to say, before the purchase of the principal telephone lines by the Government, there existed 18 telephone central offices of the Government, 15 telephone central offices of private companies, and 43 telephone public offices of the Government (the Government administration of telegraphs having substituted itself for these concessionaires, by virtue of conventions with them, in the operation of the public offices connected with the lines.)

At present the Government operates 59 telephone central offices (of which 7 have been opened in the course of this year), and 87 telephone public offices.

In Belgium several telephone lines may be connected in operation, so as to form only a single local telephone group; that is to say, that all the subscribers belonging to one group may correspond by telephone between themselves without additional charge. The 59 telephone central offices mentioned above are divided into 17 local groups.

As regards the development of the telephone lines, we do not possess complete data on the subject of the old operation of the lines by the companies. The subjoined table gives the length, in miles, of the telephone wires of the State on the 31st of December of the years 1893, 1894, 1895, and 1896, respectively:

	1893.	1894.	1895.	1896.
Wires used exclusively for the telephone:				
Local lines	9,050	11,060	12,355	14,337
Interurban interior circuits	500	700	685	900
Interior and international interurban circuits	286	382	382	690
International circuits (Belgian sections)	554	554	945	1,057
Various other services	1,200	1,280	1,341	1,470
Total	11,590	13,976	15,708	18,454
Telegraph wires appropriated to the use of the telephone according to the Van Rysselberghe system:				
Interlocal circuits (connecting the wires of a single telephone group)	72	112	73	34
Interior interurban circuits	4,872	4,795	4,602	4,075
Interior and international interurban circuits	173	209	209	292
Total	5,117	5,116	4,884	4,401

Question 14. What are the expenses of the telegraph or telephone extensions appropriated by the Belgian Government compared to those of the first construction of the telegraphs or telephones of Belgium by the private companies?

A. TELEGRAPHS.

Answer. The comparison asked for can not be established. Besides we do not know the amount of the sums invested by the company in the establishment of the line from Brussels to Antwerp, which the Belgian Government has redeemed for 60,000 francs. ($12,000.)

On the 1st of January, 1897, the amount used in the building and developing of the lines and wires of the Government and of the offices, amounted to 8,316,850 francs. ($1,663,400.)

B. TELEPHONES.

On the 1st of January, 1897, the amount expended in the construction and developing of the lines and wires of the Government, and of the offices, amounted to 4,898,150 francs. ($979,630.)

In regard to the expense of the construction of the lines see the answer to question No. 11.

Question 15. Does the Belgian Government issue telegraph or telephone stamps, thus allowing the public to stamp its telegraphic or telephonic correspondences? If so, what are the different franking marks in use?

Question 16. What system has been adopted to regulate the accounts of the issue of telegraph and telephone stamps by the post-office agents, and what is the system in use for the cancellation of these stamps?

TELEGRAMS.

Answer. Adhesive stamps were introduced into Belgium on December 1, 1865, for the stamping of telegraph correspondence at the time of the reduction of the internal tariff to 50 centimes, in order to give the public all possible facilities for sending their telegrams and at the same time to simplify the keeping and the control of the accounts.

The accounting officers are responsible for the value of the stamps placed at their disposal to be sold, whether the sale is made by themselves or by any subordinate. They must be sold at the normal price which each one represents, and no abatement can be received by the public. The stamps are sold to individuals in whatever number they like, even singly.

The Belgian administration at present issues telegraph stamps to the value of 25 francs ($5), 5 francs ($1), 1 franc (20 cents), and 80, 60, 50, 25, 10, and 5 centimes (16, 12, 10, 5, 2, and 1 cent). The public may procure them not only in the regular telegraph offices, but also at all the post-offices and the railway stations of the State, even in those which are not provided with telegraphic instruments. However, the issue of stamps of the value of 25 francs ($5) is confined to some important telegraph offices. Telegrams properly stamped may be deposited in all these offices or in all the letter boxes and boxes attached to omnibuses and railway carriages, or they may be delivered to telegraph porters or to rural letter carriers on their routes, to be telegraphed from the nearest office. When they are not deposited in the telegraph office from which they would naturally be sent they must bear this inscription:

From the telegraph office of ———.
Telegram to be sent ———.

Payment in telegraph stamps[1] is obligatory for all telegrams, whether interior or international.

Stamping them with postage stamps is not valid.

The stamps are canceled directly on the deposit of the telegram by the man who has charge of the receiving box, by means of stamps marked with the date in indelible thick ink, which all offices supply and which is furnished by the administration.

The payment in telegraph stamps offers for the public the advantage of its being able to deposit its telegrams in boxes attached to railway carriages and omnibuses.

On the other side, the use of these stamps offers real facilities for the business without taking into account the speed gained by their being dropped in the receiving boxes.

The memoranda of telegrams deposited by the senders are forwarded the following day to the direction of telegrams at Brussels, where they are revised. Documents from minor telegraph offices are always sent through the medium of the principal neighboring office (telegraph collection), which transmits the envelopes unopened with their contents to the director's office. Fifty-five principal offices thus act as intermediaries to the 1,177 telegraph offices accessible to public use in Belgium.

Every telegram which arrives at the director's office unstamped or insufficiently stamped is sent back to the original office for correction. The sums due are collected by the heads of the offices, and the agent who has accepted the telegram is responsible for nonrecovery.

All the originals of telegrams are classified and preserved with their stamps attached at the office of the director until the regulation time for preserving them has expired.

They are then given over to be treated as old papers, after having been first cut by a machine into bands of about a centimeter in breadth. The object of this last operation is to insure the secrecy of the correspondence.

Under the régime of payment in cash the control was exercised in an efficacious manner only by the successive comparison of each memorandum with the receipt which belonged to it, which required, comparatively, considerable time; the condition of the accounts could be established, besides, only by the verification of a series of additions much more numerous according as the number of telegrams sent was greater.

With the stamps, the verification of accounts and charges is effected very simply and very quickly. Its simplicity is independent of the importance of the office; it is confined to establishing the difference between the number of stamps taken in charge and the number of stamps remaining to be issued, this difference having to be represented in cash.

The second requires little time, for in turning over the original memoranda one glance is enough to recognize the presence of the stamps put on and the sufficiency of the stamping. Particularly at the principal offices there is an economy of time which permits a more easy and more complete control.

As regards the keeping of the accounts, the system of stamping with telegraph stamps has given favorable results. Previous to the application of this system all telegrams presented were inscribed in a journal of receipts, of which the context is given later on. This journal was divided, vertically, into three parts.

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[1] For more than thirty years during which telegraph stamps have been used in Belgium no attempt at fraud or the falsification of these stamps has been discovered.

The right column (receipt) was given up to the sender entitled to the receipt[1] and showed the number and cost of each telegram.

The middle column (stub) contained, besides these indications, those relating to the destination, to the number of words, and to the additional expenses. It was arranged so that it might be detached at the end of each day and forwarded to the office of the director of telegrams, where it was verified by comparison with the memoranda of telegrams.

Finally, the left column (vignette) remained in the office, and the indications of the receipts were reproduced in it. This last column served as an auxiliary receipt book. The sums collected were added up each day, with the sums brought forward from previous days, so that the total from the beginning of the year to the expiration of each month could be given. This part of the book underwent corrections resulting from mistakes in the charges or other remarks made by the management.

The adoption of stamps has done away with this book. It was necessary, it is true, to make a new document called the stamp journal (annex 1) in order to keep in it the disposition of the stamps and their values.

The first lines of each page of the stamp journal are used to inscribe the stamps on hand at the expiration of the preceding month, as well as those received during the present month. The dated lines which follow them are meant to show the number of stamps of each sort sold by the office. At the end of each of these monthly periods the accounts which concern, respectively, the stock and the sale, are added up clearly, and the results of the latter are deducted from the results of the former. To begin a new account the remainder is carried over to the following month. A monthly recapitulation of receipts is kept in the stamp journal. Any remarks made by the management, or any corrections resulting from mistakes in the charges, are made in this recapitulation.

This stamp journal is kept only by the telegraph collectors or post-office collectors. Numerous secondary offices established in the Government railway stations, or in the railway stations of companies, procure telegraph stamps of different kinds, but of small amounts, from the post office or nearest telegraph office. These stamps are considered as legally making a part of the cash of the station, and are not kept account of in writing.

The first day of each month the above-mentioned collectors prepare from their daily book of stamps their accounts, showing the value of the stamps which remained for sale at the end of the preceding month, and of stamps received during that month, and of stamps sold during the same period. This account (annex 2) is addressed to the central office of the administration, with the requisition for the supply for the following month.

The product of the sale of stamps is written each day in the journal of receipts "account book" (annex 3), a register summing up the receipts and expenses from January 1 to December 31 of the same year. An

[1] At present the sender of a telegram does not obtain a receipt except by asking for it and paying an extra charge of 10 centimes. For this purpose they make use of a receipting stamp composed of two parts; the first a stamp of 10 centimes, to be placed by the operator on the telegram; the second part is a receipt to be given back, properly filled in and stamped, to the sender or his representative. The originals and different documents relating to internal telegrams for which a receipt has been given, as well as accounts relating to international telegrams, are preserved at least six months from their date, in case of reclamation or requests for further information. Ordinary internal telegrams are generally destroyed twenty days after their date.

extract from this book (annex 4) is sent every day to the management. This extract gives, among other details, the result of the sale of stamps for that day and for the previous days of the month.

Periodical verifications are made in the offices by special men, whose work it is to see that the cash accounts and the supply of stamps in the office correspond.

The preceding statement shows that under the system of collecting in money the acceptance of each telegram necessitated special inscriptions, which have been replaced under the system of stamps by a note in the stamp journal of the number and the value of them sold each day. Consequently the number of inscriptions and the work which resulted have noticeably diminished.

B. TELEPHONES.

For payment of communications received in public telephone offices telephone stamps are used, in value 25, 30, 50, and 90 centimes (5, 6, 10, and 18 cents) and 1, 2, and 3 francs (20, 40, and 60 cents).

These stamps are composed of the stub (or receipt) and the stamp, properly so called.

The stub or receipt is handed back to the sender when he pays the charges, and the stamp is applied by the agent of the administration to the memorandum which bears the inscription of the communication exchanged. The result is that the telephone stamps can not be found in the hands of the public. They are only used to allow the central administration to control the collection of receipts in the public offices.

Certain post-offices receive directly telephone stamps from the stamp office at Malines and account for the use of these stamps in their postal accounts, under the heading "use of telephone stamps." Other offices supply themselves with telephone stamps at the nearest post or telegraph office, for cash, and keep no account of them.

It is proper to remark that the receipts of the postal administration and those of the telegraph administration are recapitulated by months and by sources of product.

Telephone stamps are canceled by the application of a dated stamp, with thick ink, from the public telephone office.

Question 17. To how many words is a telegram or telephone message limited ([1]), and what is the charge?

Question 18. What is the general internal charge on telegrams and telephone messages, calculating by the number of words and distances?

Question 19. What is the charge on press telegrams and telephone messages?

Answer. No limit is fixed to the number of words in telegrams and telephone messages. Concerning the latter, subscribers have the privilege of dictating them to a telegraph office designated and duly connected with the local line.

These dispatches are subject, without extra charge, to the ordinary tariff of telegraphic communications. They are treated like telegrams placed in receiving boxes.

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[1] By a telephoned message we understand the communications which must borrow, or have borrowed, the telegraph wire. Thanks to the joining of the central telephone offices to the local telegraph offices, subscribers are allowed to send their telegrams by telephone and to receive by the same means telegraph dispatches.

There do not exist written telephoned messages, properly so called. Persons (subscribers or not) who wish a written communication to reach a third person must send a telegram.

After the sending of the message, its repetition, and eventual corrections. the telegraph office tells the sender, if the latter wishes it, the number of words received and the amount of the telegraph charges.

The sender of a telegram transmitted by telephone may, by paying an extra charge of 10 centimes, get the telegraph office to make a copy of the dispatch which he has sent. He is supposed to make the demand for it before the sending of the telegram. In this case the telegraph office makes a duplicate, that taking the place of a copy.

The sender may also, by paying the extra expenses, arrange to have this copy sent to him by post or express.

The subscribers may also, by paying an extra 1 franc and 10 centimes, claim a receipt. This receipt is addressed to the person concerned, at his request, either at once and without expense, or by the post or express on payment of extra charges.

The sender of a telephoned telegram may, if there is time, stop the transmission of this telegram on payment of a sum of 10 centimes.

In Belgium there are no special rates for the correspondence of the press, but the general internal charges have been arranged to give satisfaction to all senders of long telegrams. Indeed, it is the press which benefits most by it.

The charge is fixed as follows:

Fifty centimes (10 cents) for ordinary telegrams up to 15 words; 10 centimes (2 cents) additional per indivisible series of 5 words above the 15; but above 50 words the increase is 10 centimes for an indivisible series of 10 words.

While the charge on a telegram of 15 words is 50 centimes (10 cents), that on a telegram of 150 words is only 2.20 francs (44 cents), and that on a telegram of 1,500 words 15.70 francs ($3.14).

The charge on telephone conversations over different wires forming distinct groups is uniformly fixed at 1 franc (20 cents) for five minutes, and 1.50 francs (30 cents) for more than five, up to ten minutes, for any distance in the interior of the country.

Question 20. What is the average number of words sent every day for the press?

Answer. The press, not enjoying any special rates, no account is kept of the average number of words sent daily.

Question 21. What is annually the amount of telegraph and telephone operations as well as of postal savings banks?

Answer. The amount of receipts realized during the year 1896 has been as follows: Telegrams, 4,016,184.63 francs ($803,240); telephones, 2,564,577.56 francs ($512,915).

LAW CONCERNING THE ESTABLISHMENT AND OPERATION OF TELEPHONE LINES.

Leopold II, King of the Belgians, to all present and to come, greeting:

The Chambers have adopted and we sanction the following:

ARTICLE 1. The Government is authorized to undertake of itself, or to concede conformably to the clauses of the table of rates annexed to the present law, the establishment and operation of telephone lines.

ART. 2. The penal laws and the police regulations relating to telegraphs are applicable to the telephone lines established or conceded by the Government.

The law of March 1, 1851, is also extended to telephone correspondence.

ART. 3. Every person who, without having a regular concession, shall exploit for pay a telegraph or telephone line is punishable by a fine of 100 to 500 francs.

ART. 4. Owners and occupiers are required to permit, over their buildings or grounds, the wires of the telephone lines governed by the present law, and without attachment or contact.

The Government determines the conditions to which the stringing of those wires over roads and over the public domain is subordinate.

Owners and occupants have a right to an indemnity for the loss that may result from the application of the preceding dispositions.

It is forbidden to carry on any work upon or under private property without having first obtained the consent of the owner, and, if need be, the consent of the occupant.

Let this law be promulgated, stamped with the State seal, and published in the Moniteur.

Given at Brussels January 11, 1883.

LEOPOLD.

By the King and minister of public works.

X. OLIN.

Examined and sealed with the State seal.

JULES BARA,
Minister of Justice.

MEMOIR OF CONDITIONS FOR THE ESTABLISHMENT AND OPERATION OF THE TELEPHONE LINES GRANTED BY THE GOVERNMENT.

ARTICLE 1. The concession is accorded for a duration of twenty-five years at most.

ART. 2. The concession is given at the risks and perils of the company, and implies no sort of privilege in its favor; consequently the Government reserves to itself the right to grant, or to operate itself, all other similar concessions in the conditions which it may deem expedient.

ART. 3. When several concessions are installed in the same locality the Government may require the different lines to be connected between each other, so as to permit the subscribers of each line to correspond with the subscribers of the other lines. The conditions of arrangement are fixed by common accord, and, in case of disagreement, are regulated by the administration.

ART. 4. The offices of the conceded line may be connected with the telegraph offices within its territory. The connection is made by the company and at its expense, with the authority or on the invitation of the department of public works, and in conditions fixed by it. The acquisition, location, and operation of the telephone instruments in offices of the State are at the cost of the latter.

ART. 5. The communications established between a telephone line and a telegraph line, or between several telephone lines of the same city, are not to be liable to any additional cost.

ART. 6. The minister of public works has the right to prescribe at all times modifications in the offices of the conceded line when those changes appear to him to be required by the interests of private property, of the public safety, or of the service of the State.

The administration executes officially the prescribed measures at the cost of the company, if the latter does not satisfy the first requisition of authority.

ART. 7. The company is required to open offices to the public, if so ordered by the administration, at the rate of one office at most for 150 subscribers.

ART. 8. Every person having an establishment within the territory of the concession has the right to have it connected with the line in the general conditions of subscription.

ART. 9. The annual charge which the grantee is authorized to collect, by way of subscription, is fixed by the Government in the act of concession, but in no case does it exceed 250 francs ($50) when the connection is within a radius of 3 kilometers (2 miles) from the principal office. This rate is liable to an increase of 5 francs ($1) per kilometer beyond that radius, all the expenses of putting in, keeping up the wires, apparatus, etc., remaining at the charge of the company.

ART. 10. The subscription is stipulated for a whole year; nevertheless, the company agrees to accept six-month subscriptions at a rate not exceeding three-fifths of the annual rate, on the condition that the individual engages himself for three six-monthly periods during three consecutive years.

ART. 11. Every conversation through the intermediary of an office open to the public may be charged 50 centimes (10 cents) at most per indivisible fraction of ten minutes.

This charge is not to be made against persons who are subscribers to the line to which the office belongs.

ART. 12. The Government has the right to order the substitution of an underground line for an overhead one. In that case the grantee is authorized to increase the subscription price by 50 francs.

ART. 13. The subscriptions required for the service of the State, of the provinces, and of the communes are to be at a reduction of 35 per cent upon the rate of charges in force.

ART. 14. Every subscriber has the right to place at the disposal of third parties the apparatus assigned to his use, but must not make any charge therefor.

ART. 15. The company pays every year to the department of public works, by way of indemnity for supervision, 5 francs ($1) for each subscription, and 50 francs ($10) for each office open to the public.

The minimum to be paid under this head is fixed at 1,000 francs ($200), when the figure of the population of the communes comprised within the same concession is over 20,000.

No tax is due for subscriptions given at a reduced price by virtue of article 13.

ART. 16. A deposit is made by the company by way of guaranty of its engagements. This deposit is restored at the expiration of the concession.

ART. 17. The owner of property will have the right to build, plant, and modify the condition of his property as he may desire. The company, notified of these modifications, will have to take at its own expense, within eight days, all measures necessary so that the owner may make free use of his right.

ART. 18. All costs and indemnities to which the building and maintenance of the line give rise are at the charge of the company.

ART. 19. The company is required to submit for the approval of the department of public works before beginning operation a plan of service, which the Administration has always the right to modify.

ART. 20. The company engages to stipulate in every contract relating to the operation of the line the power to subrogate the State in its rights.

ART. 21. Every infraction of the clauses and conditions of the concession is liable to a fine of 50 to 100 francs ($10 to $20). These fines are decreed without appeal by the minister of public works. If, in spite of the fines inflicted and notwithstanding a suspension, the grantee does not conform within thirty days to the requirements of the Administration, the concession may be forfeited. The forfeiture is pronounced by royal decree.

ART. 22. In case of forfeiture the concession is offered for sale judicially upon the basis of the price of the works executed and of the operating material. After two offers without result, the State enters into the possession of the works and material without owing any indemnity.

The forfeiture brings with it in every case the confiscation of the deposit.

ART. 23. At the expiration of the grant the Government becomes proprietor of the line without having to pay anything to anybody. If the Government desires to take the instruments, it pays their money value as assessed by an expert.

ART. 24. In case the Government judges necessary, for a reason of public order, to suspend all or part of the service, the grantee is required to yield to the first requisition of authority. In case of urgency, measures are taken officially.

This suspension gives no right to a demand of indemnity against the State.

ART. 25. The Government is free to redeem the concession after the tenth year of exploitation by giving one year's notice. The redemption comprises the cession of the line, of the material, and of the offices and instruments of every kind; it brings with it the subrogation, to the profit of the State, of all the rights of the grantee toward third parties.

If the Government compels the company to substitute an underground for an overhead line, the right to redemption only begins at the expiration of the third year from the date assigned to this substitution.

ART. 26. As price of redemption the company receives, until the expiration of the duration of its concession, an annual payment equivalent to the average net product of the line during the three last years, with 15 per cent added as a premium.

The calculation of the net profit is effected by deducting from the gross receipts the general expenses, the sinking-fund payment, and the charges and cost of operation.

ART. 27. The payment of the purchase price is not preliminary; consequently the State is put in possession of the line on the day and at the hour fixed in the act by which it has notified its intention to redeem, and notwithstanding all objections raised on the subject of the price.

ART. 28. The authorization of the Government is required for the cession of the grant, for every agreement of lease or fusion of the line, and generally for every act which transfers its operation.

AGREEMENT BETWEEN THE GOVERNMENTS OF BELGIUM AND GREAT BRITAIN ON THE SUBJECT OF TELEGRAPHIC COMMUNICATION BETWEEN THE TWO COUNTRIES.

[Published in the Moniteur of June 9, 1889. Administrative Records, vol. 39, 1889.]

The Government of His Majesty the King of the Belgians, and the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland:

Considering that the telegraphic relations between Belgium and England are controlled by conventions concluded on the one part between the Belgian Government and the Submarine Telegraphic Company, and on the other part between the British Government and the same company, as well as by the telegraphic convention signed on the 19th of March, 1890, between Belgium and Great Britain, and continued by the convention of the 26th of June, 1886;

That these conventions come to an end on the 2d of June, 1889;

That it is consequently necessary to arrange anew the telegraphic relations between Belgium and England;

That it is, besides, desirable that those relations shall be direct and exempt from every intermediary, so as to render them more regular, more rapid, and more satisfactory for the public;

The undersigned, being duly authorized for that purpose, have, by virtue of article 17 of the International Telegraphic Convention, signed 10/22 July, 1875, at St. Petersburg, agreed upon the following arrangements:

ARTICLE 1. The Belgian Government and the English Government engage themselves mutually not to renew nor continue the concessions accorded to the private telegraph company called "The Submarine Telegraphic Company," constituted for the establishment and operation of submarine telegraphic cables between Belgium and the United Kingdom, nor to grant any other concession to any private company or person whatever, except by mutual consent. It is nevertheless agreed upon that the existing arrangements shall remain in force until March 31, 1889.

ART. 2. The Belgian Government and the British Government will proceed, at their common expense, to the acquisition of the two Anglo-Belgian cables existing between Middelkerke, near Ostend (Belgium) and Ramsgate (England), and between La Panne, near Furnes (Belgium), and Dover (England); or, if these cables are not acquired, to the purchase and laying of at least three new cables, containing each four wires, so as to assure in the best possible conditions the telegraphic relations between the two countries.

The acquisition of the said existing cables, or the purchase of new cables in place of them, as well as their maintenance, will be the object of a special arrangement between the Belgian Administration and the English Administration upon the basis of a common ownership of the cables and of an equal division between the two countries of the expenses of laying and maintaining them.

The lines necessary to the connection of the cables with the internal telegraph lines will be built and maintained, in Belgium by the administration of Belgian telegraphs, and in England by the English administration of telegraphs.

ART. 3. If it should afterwards become necessary to establish one or several new direct cables for the purpose of being able to transmit a greater number of telegrams, such cable or cables will be built and laid

at the common expense of the Belgian and English Governments, each Government paying half the expense. The expense resulting from the maintenance of such cable or cables in good condition will be borne in equal parts by the two countries. The land lines in communication with these cables will be built and maintained in Belgium by the Belgian administration of telegraphs, and in England by the English administration of telegraphs.

ART. 4. The Belgian administration and the English administration agree reciprocally to maintain, in a permanent manner and by means of the best instruments in use, the wires connecting Belgium and England.

The two administrations will regulate by common agreement the mode and manner of using the cables.

It remains understood that the operation will be intrusted to the agents of the Belgian administration in Belgium and to the agents of the English administration in England, without the intermediary of any private company.

ART. 5. In the absence of contrary arrangements, mutually agreed upon, the rate of ordinary telegrams exchanged between Belgium on the one side and the United Kingdom of Great Britain and Ireland on the other, will be fixed uniformly and at so much per word: In Great Britain, 2 pence (4 cents) per word; in Belgium, 20 centimes (4 cents) per word.

Each of the two administrations shall have the right of collecting the foregoing rate in whatever form it may choose, on condition of its being in conformity with article 21 of the Regulation of International Service, signed at Berlin September 17, 1885.

On the amount of the sum collected by the office from which it is sent, there will be imposed for the submarine course a rate of 5 centimes (one cent) per word, which will be divided half and half between Belgium and Great Britain. The excess will be divided on the basis fixed by the regulation of international service in force.

Consequently, the rate of 20 centimes (4 cents), referred to in the first paragraph of this article, will be divided as follows: 11.5 centimes for Great Britain; 8.5 centimes for Belgium.

Each administration will keep the whole sum that it will have collected, including the charges for answer-paid telegrams, and the other accessory charges.

Nevertheless, Great Britain will credit Belgium with 8.5 centimes per word sent to Belgium, and Belgium will credit Great Britain with 11.5 centimes per word sent to Great Britain.

ART. 6. The telegrams exchanged between Belgium and the United Kingdom of Great Britain and Ireland, which, in consequence of the interruption of direct lines, may borrow the lines of a foreign administration, will not be subjected to any additional charge, the charge of transit being borne by the administration whose land lines may be interrupted, and by both administrations in case the submarine cables are out of order.

The telegrams that may be diverted from the direct course, at the request of the sender, shall be subject to the charges and dispositions of the international telegraphic convention.

Nothing in this article must be considered as forfeiting the right of England to conclude arrangements with France, the Netherlands, and Germany, or with all those countries, on the subject of the division of cable rates for telegrams transmitted by the Anglo-French, Anglo-Netherlands, or Anglo-German cables, nor as annulling any right which, by reason of its ownership of these cables, it might have to attribute to itself all or a portion of the charges in question.

ART. 7. The charge which will belong to the Anglo-Belgian cables for all telegrams in transit through those cables will be shared in equal parts between the two countries.

ART. 8. The dispositions of the international telegraphic convention in force, and of the regulations of service annexed thereto, will be applicable to the direct relations between Great Britain and Belgium in everything that is not foreseen by the present arrangement.

ART. 9. The present arrangement, with the exception of the first article, which will go into force immediately, will be applicable on April 1, 1889, and will continue until the expiration of one year from the day when it will have been denounced by one of the contracting parties.

In testimony whereof the undersigned have signed the present arrangement and have affixed their seals.

Done at London in duplicate, January 1, 1889.

[L. S.] SOLVYNS.

[L. S.] SALISBURY.

ADDITIONAL CONVENTION BETWEEN BELGIUM AND GREAT BRITAIN.

In execution of article 2, section 2, of the Anglo-Belgian Telegraphic Convention of January 1, 1889, the minister of railroads, post-offices, and telegraphs of Belgium, and the postmaster-general of the United Kingdom of Great Britain and Ireland, have agreed upon the following dispositions:

The two telegraph cables existing between Middelkerke, near Ostend (Belgium), and Ramsgate (England), and between La Panne, near Furnes (Belgium), and Dover (England), having been purchased from the Submarine Telegraph Company April 1, 1889, for the sum of £9,900 ($49,500), and that sum, with three months' interest added, having been paid in full by the English administration to the said company, the Belgian administration will reimburse to the English administration half of the total expense, or £4,999 7s. 3½d. ($24,750). With this reimbursement the two cables will be considered as belonging in common to Belgium and Great Britain since April 1, 1889.

The English administration is charged with the maintenance of the aforesaid cables, and the Belgian administration will repay to it half of the expense to which this maintenance will give rise. The arrangement concerning the maintenance will continue until the expiration of one year from the day when it will have been denounced by one of the contracting parties.

Done in duplicate at Brussels, August 20, 1889, and at London, August 28, 1889.

[SEAL.] HENRY CECIL RAIKES,
The Postmaster-General of the United Kingdom of Great Britain and Ireland.

[SEAL.] J. VANDENPEEREBOOM,
The Minister of Railroads, Posts, and Telegraphs of Belgium.

The following tables show the manner in which the telegraph and telephone accounts are kept on the part of the Belgian Government:

[Series G,

MINISTRY OF RAILROADS, POST-

ADMINISTRATION

Register for the inscription of telegraph stamps and

MONTH OF

Nature of the operations.	Dates.	Telegraph. Number of telegraph stamps— At 5 centimes.	At 10 centimes.	At 25 centimes.	At 50 centimes.	At 60 centimes.	At 80 centimes.	At 1 franc.	At 5 francs.	At 25 francs.	At —.	At —.	Total value.
On hand at the expiration of the present month													
Received from the stamp depot													
Total													
Number and amount of stamps sold.	1												
	2												
	3												
	4												
	5												
	6												
	7												
	8												
	9												
	10												
	11												
	12												
	13												
	14												
	15												
	16												
	17												
	18												
	19												
	20												
	21												
	22												
	23												
	24												
	25												
	26												
	27												
	28												
	29												
	30												
	31												
Total, deducting the above total													
Carried over to the next month													

(Amount of sale) Total for the month

Differences { to be added
to be deducted

Corrected total for the month

Corrected proceeds for the month

Actual total since January 1

No. 36.]

OFFICE, AND TELEGRAPHS.

OF TELEGRAPHS.

telephone stamps of the office of ——— ———.

———, 189–.

	Telephone.										
	Number of telephone stamps—										Total value.
	At 25 centimes.	At 30 centimes.	At 50 centimes.	At 90 centimes.	At 1 franc.	At 2 francs.	At 3 francs.				
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											
13											
14											
15											
16											
17											
18											
19											
20											
21											
22											
23											
24											
25											
26											
27											
28											
29											
30											
31											
	(Amount of sale) Total for the month.....										
	Differences { to be added.....										
	Differences { to be deducted.....										
	Corrected total for the month.....										
	Corrected proceeds for the month.....										
	Actual total since January 1.....										

Series B, No. 5.

Administration of telegraphs. [ ]

Amount of telegraph stamps and telephone stamps received, sold, etc., during the month of ———, 189–.

Amount.	Telegraph stamps.	Telephone stamps.	Detail of stamps remaining at end of month.		
			Designation.	Number.	Amount.
Remaining first of the month.			Telegraph stamps:		
Received during the month...			At 5 centimes		
			At 10 centimes....		
			At 25 centimes....		
			At 50 centimes....		
			At 60 centimes....		
			At 80 centimes....		
			At 1 franc		
			At 5 francs		
			At 25 francs		
Total				Total ..	
Sold during the month[1].....			Telephone stamps:		
			At 25 centimes....		
			At 30 centimes....		
			At 50 centimes....		
			At 90 centimes....		
			At 1 franc		
			At 2 francs		
			At 3 francs		
Remaining at the end of the month				Total ..	

NOTE.—The telegraph collections show to the department of telegraphs the condition of the account on the first of the month.

Prepared by the undersigned.

[2] ——— ———.

[1] The total from the sale must square with that indicated in the register, Series G, No. 36.

[2] The collector or the money clerk of telegraphs.

Dates.	Previo					Dispo fu
		For special account.				
	Reimbursement to foreign offices.	ws' l ns' 3.	Pension and aid fund.	Telegraphic provisions.	Total (columns 14 to 16).	Subventions received.
	1		15	16	17	18
Monthly totals.....						
Differences: To be added ..... To be deducted						
Corrected monthly totals. Former monthly totals...						
General totals						

R
E

Telegraphs. Series B, Nos. 1 and 2.

Requisition for telegraph stamps and telephone stamps.[1] *Quantities supposed to be necessary for the ———, 189–.*

Designation.	Requisition.			Supply.		
	Number.		Amount.	Number.		Amount.[2]
	Of sheets.	Of stamps.		Of sheets.	Of stamps.	
1	2	3	4	5	6	7
Telegraph stamps:						
At 5 centimes.....						
At 10 centimes.....						
At 25 centimes.....						
At 50 centimes.....						
At 60 centimes.....						
At 80 centimes.....						
At 1 franc.....						
At 5 francs.....						
At 25 francs.....						
		Total ..			Total ..	
Telephone stamps:						
At 25 centimes.....						
At 30 centimes.....						
At 50 centimes.....						
At 90 centimes.....						
At 1 franc.....						
At 2 francs.....						
At 3 francs.....						
		Total ..			Total ..	
	General total			General total		

Herewith are the stamps designated in this requisition, amounting to the sum of ——— francs. You are requested to acknowledge their receipt by return of mail at the foot of this paper

———, ———,

Chief Clerk of the Principal Stamp Deposit.

Received the above-mentioned stamps, amounting to francs ———.

[3] ——— ———.

[1] The clerks must always have a complete supply of stamps of different categories. The demands made according to the maximum of the presumed wants and on the dates indicated by the instructions.

[2] Columns 5, 6, and 7 are reserved to the principal stamp deposit.

[3] The collector or accounting officer of the telegraph lines.

NOTE.—If the number of sheets composing the present sending was not conformable to the announcement, the clerks must observe rigorously the prescriptions of article 213 of the General Regulations concerning accountability for receipts. No reclamation under that head will be admitted after the sending away of the notice of receipt.

Account of the office of ——— at the expiration of the —— day of ———, 189—.

RECEIPTS.

	Preceding year.							Current year.						
		Communications.		Subscriptions.					Communications.		Subscriptions.			
	Telephoned telegrams.	Interurban.	International.	To the local service.	To the interurban service.	To the international service.	Total.	Telephoned telegrams.	Interurban.	International.	To the local service.	To the interurban service.	To the international service.	Total.
Of the day.....														
Of the prior days of the month.....														
Total.....														
Differences:														
Increases.....														
Deficits.....														
Corrected monthly totals....														
Corrected prior months.....														
General totals.....														

STATE OF THE ACCOUNT.

Debit.				Signatures of subordinates having charge of collection. (To be placed opposite each column.)	Credit.			
Nature of the receipts.	Receipts.				Nature of the expenses.	Expenses.		
	Of the day.	Of prior days.	Total.			Of the day.	Of prior days.	Total.
For account of the Government (last year).					*For account of the Government.*			
Telephoned telegrams					Dispositions			
Telephone communications					Various payments			
Subscriptions to the local service					*Special fund.*			
Current year.					Telephone provisions			
Telegraphs:					Telegraph provisions			
Sale of post-office orders					*Disposition of funds.*			
Telegraph stamp					Subventions paid			
Payment for use of wires and materials					Totals			
Telephoned telegrams					Balance:			
Miscellaneous items					On hand the last day of preceding month			
Telephones:					Receipts of the current month			
Interurban and international communications					Total			
Telephone stamps used					Expenses to be deducted			
Paying credits					Due this day			
Subscriptions to the local service					Detail of the fund:			
Subscriptions to the interurban service					Moneys			
Subscriptions to the international service					Advances authorized			
Subscriptions to the communications of the public with railroad stations					Credits authorized			
Miscellaneous items					Drafts equivalent to money			
Special account.					Deficit			
Telephone provisions								
Telegraph provisions								
Widows and orphans' fund								
Pension and aid fund								
Disposition of funds.								
Subventions received								
Subsidies from the public treasury								
General totals					Total			

a Justification of the money on hand more than the maximum fixed by instructions.

FORM OF ACCOUNT.

Debit.				Credit.			
Nature of receipts.	Receipts.			Nature of expenses.	Expenses.		
	Of the day.	Of preceding days.	Total.		Of the day.	Of preceding days.	Total.
Total				Total			
Amount due from preceding month				Certified correct, ——, 189—.			
Total							
Expenses							
On hand							

THE COMPTROLLER.

[Reverse side of preceding table.]

Subscriptions to the local service.						New subscriptions to the local service.			
No. of engagement.a	Amount.	No. of engagement.a	Amount.	No. of engagement.a	Amount.	No. of engagement.	Amount.	No. of engagement.	Amount.
						Subscriptions from interurban service.			
						Subscriptions to the international service.			
						Miscellaneous receipts from telephones.			

a The number of the contract written in black ink in Register G, 161, to be given in the column of "No. of engagement."

SPECIAL REGULATIONS OF THE GOVERNMENT TELEGRAPH SERVICE.

The following rules and regulations are extracted from the printed book of special regulations of the telegraph service of Belgium:

ARTICLE 1. The work of laying down, maintaining, and repairing the telegraph lines is intrusted to special agents, who are called foreman, layer, and sublayer of wires, and whose residence is fixed by the head of the telegraph service.

The line is divided into circumscriptions, which are under the charge of the heads of the section.[1] These circumscriptions are themselves divided into districts, so that any accident to the wires may be more easily discovered.

The heads of sections are under the direct orders of the chief of the technical service. Subagents depend on the head of a section; those living at district headquarters are under the management of the head of the telegraph office of that district in everything connected with their position and conduct.

ART. 2. The telegraph agents must conform themselves, in the matter of watching the lines and other measures of safety, to the instructions of the engineers, section chiefs, and subchiefs of railroads, and of the engineers, conductors, and other agents of the bridges and roads department.

In everything connected with their special work they receive orders from the chief of the service or from the chief of the circumscription. The service chief also decides, according to circumstances, whether they shall work alone, with the help of agents of the route, or by engaging additional workmen in whatever number he decides.

When foremen, layers, or sublayers are at work in one of the circumscriptions they are under the special superintendence of the chief of section who manages that circumscription.

Any work which may disturb or interrupt communications should be announced at the telegraph offices making use of the wires that are exposed to derangement. This information is given by the chief or subchief of the section or by the foreman or wire layer who is directing the work.

ART. 4. All the officials of the works of Government railways, the officials of all conceded railways with which the telegraph service is in connection, as well as the agents of bridges and roads, must concur in the inspection and, as much as possible, in the daily maintenance of the electric wires, as well as of the telegraph posts and arms that support the wires.

ART. 6. Any disturbance in the wires is signaled from guard to guard to the chief of the station, to the chief and subchief of railway tracks, and to the engineer or manager of the nearest post of the bridges and roads department. If this officer is able to remedy the disturbance the notice is sent no farther. When the repair to be made calls for workmen or special tools not obtainable in that locality, the first officer notified sends word to the chief of the technical circumscription of telegraphs.

ART. 8. In case of urgent repairs the road and station agents must lend assistance to the telegraph agents, provided their own work does not suffer in consequence.

Works arranged beforehand are announced in time to the chiefs of

[1] The qualifications of the chiefs of sections may be exercised by the subchiefs of sections.

the section of roads and works, who take measures to cooperate in them so far as the good maintenance of the road and the safety of circulation permit.

ART. 25. Every telegraph operator appointed is responsible to the administration for the business in which he has taken part, in regard to the observance of the rules and the rates, and must also be rigorously exact in the execution of these instructions. He can not feign ignorance of what is inserted in this pamphlet of instructions and in the instructions distributed in the telegraph office in which he works.

ART. 28. In all offices where there are one or several telegraph operators a table showing the hours of service, as well as the division of duties, is hung up near the operating instruments. This table is signed by the cashier and the chief of the telegraph service. This measure may be extended to offices without a telegraph operator, where it might be deemed useful.

The hours of service constitute a minimum of work. The presence of telegraph operators and substitutes may be insisted on when the work makes it necessary from the number of telegrams or from the absence or illness of a colleague.

ART. 29. In order to insure the sending of telegraph dispatches in stations where night work is not done by telegraph operators, the station master appoints certain of his employees who are on night duty at the railway station to see to the telegraph work. These agents are responsible for the proper execution of the work.

ART. 34. All the officials in general must be polite and courteous in their dealings with the public.

All disputes are formally forbidden. Any employee finding himself exposed to disagreeable treatment is forbidden to answer back, and must simply state the facts, appealing, as far as he can, to someone present in authority, or to the police officer of the railway administration, or the police of the locality. Failing to use this privilege he deprives himself of any means of obtaining satisfaction, and exposes himself to severe measures.

In case of reclamation or a demand for information which can not conveniently be given before other people at the receiving window, the employee asks the sender to apply to the manager, or asks the latter to come himself to the window. In the absence of the manager, his assistant, or the employee present of the highest grade, gives the necessary information. As a general rule correspondence with the public is reserved for the central administration.

ART. 39. In every telegraph office agents specially appointed to cooperate in the correspondence service, the cashier, or the man who performs his duties, or a man appointed by the manager, are the only persons allowed to inform themselves of the telegraph dispatches in the interest of the service. They can not communicate these correspondences or speak of them except to the sender or the person to whom they are sent or to the representatives of these two by virtue of a written commission.

This rule admits no exception save in the case of a seizure or practical search in the telegraph offices by judicial authority. The instruction set down in annex 6 shows the conditions under which the requirements of legal authority may be satisfied, and designates the magistrates who are qualified to make these demands.

ART. 40. The preceding regulations are applicable to telegrams transmitted by the railway, postal, telegraph, or naval service. These telegrams should be communicated only to the person to whom they are

addressed or his representative, except in case formal instructions from the administration order that certain telegrams of the service should be communicated to officials designated.

ART. 41. Private correspondences must be locked up whenever the telegraph agents leave the office, even when it is only for a minute. These agents must accustom themselves to classify telegrams during their work, so that those who are not authorized may not glean any knowledge of them.

ART. 44. Telegraph offices established in the Government railway stations are accessible for ordinary telegrams or Government telegrams during the whole time of the running of trains over their respective lines. The only exception to this rule is for the stations where the night service is not organized and in which the telegraph service ought to begin a half hour before the coming of the first train, whether passenger or freight, which stops at that station, and ought to close with the last train, passenger or freight, stopping there.

ART. 50. The regulations for private telegraphing, including the rates and conditions to be observed, are decided by the law, royal decrees, and international conventions.

ART. 51. The Government recognizes in all persons the right of correspondence by means of international telegrams.

ART. 52. By the terms of the international convention, telegraph administrations declare that they accept no responsibility on account of the international telegraph service.

This clause is sanctioned in Belgium by the law of the 1st of March, 1857.

ART. 53. Telegraph administrations reserve for themselves the right of stopping the transmission of any telegram which appears dangerous to the safety of the State, or which would be contrary to the laws of the country, public order, or morals, on the condition of immediately giving notice to the office where it originates and which notifies the sender. This control is exercised by the telegraph offices, extreme or intermediary, with right of appeal to the central administration, whose decision is irrevocable.

Telegrams containing calumnies, insults, defamations of character, or anything of an immoral nature, as well as those proposing any violation of the law, may also be suppressed.

Telegrams may also be intercepted when they contain alarming news which is known to be untrue, and also any telegram in which the sender asks the recipient to send him a dispatch in the name of a third party.

ART. 54. Each government also reserves to itself the right of suspending the service of the international telegraph for an indefinite time when it is thought necessary, either in a general manner or only on certain lines and for certain sorts of correspondence, on condition that it immediately notifies the other governments.

ART. 61. Telegrams may be written in clear or in secret language. The latter is divided into an accepted code, a cipher language, or one composed of letters having a secret meaning.

All the offices accept, in all their relations, private telegrams in clear language.

They can not admit, either to be sent or received, telegrams that are secret or in an arranged code or in cipher, but they can not stop the transit of these telegrams except in the case of suspension specified in article 54.

Private telegrams whose text is wholly or partially formed of letters having a secret signification can not be accepted.

Government and service telegrams are alone permitted to be written in letters having a secret signification; they are admitted in all offices, but the mixing of ciphers and secret letters is forbidden.

ART. 62. By "telegrams in clear language" is meant those which express an intelligible meaning in any one of the languages authorized for international telegraphic communication.

Every administration specifies, among the languages used throughout the state to which it belongs, what ones are authorized for use in the international telegraph correspondence in plain language. The use of the Latin tongue is also authorized.

ART. 67. The sender of a secret telegram must establish his identity when he is asked to do so by the original office.

ART. 69. In plain language the maximum length of a word is fixed at 15 characters of the Morse alphabet, and each additional 15 characters is counted as a word. For a communication outside of Europe the maximum is fixed at 10 characters, each additional 10 characters counting as a word.

ART. 75. Special adhesive stamps of the value of 5, 10, 25, 50, and 60 centimes and 5 and 25 francs (1, 2, 5, 10, 12, and 20 cents and $1 and $5), for the stamping of telegraph correspondence, are sold in all the telegraph, post, and railway offices and by all letter carriers. Their use is obligatory for all private telegrams. Each fraction of 5 centimes (1 cent) is counted as 5 centimes (1 cent).

In order that telegraph operations may be rapid and regular the senders must themselves put the stamps at the top of the telegrams to be sent. The employees furnish explanations and give the necessary stamps to be put on.

ART. 76. The use of postage stamps for the stamping of telegrams is illegal, and offices are forbidden to send telegrams stamped with them. Damaged telegraph stamps are refused. Person supplying themselves beforehand with stamps are allowed to mark them with punctured initials, with a view to preventing their being resold or used by anyone who might steal them, either before or after their being put on the telegrams.

ART. 77. The sender must be asked to put the necessary stamps on his own telegram.

ART. 79. The clerk rapidly examines the telegrams in view of the charges and regulations. Besides this, he makes sure, as far as he can, that they will reach their destination in time to accomplish the object of the sender; he makes use of every means of expedition; he sees that they are properly and sufficiently addressed, and sees particularly that the name of the office to receive the telegram is put in its proper place. In case it is necessary, he asks the sender to fill it out or to alter it in order to avoid mistakes. If the destination, although put down in the regulation form, is capable of a misinterpretation, he underlines plainly, in blue pencil, the name of the receiving office, to help the operator, and, if necessary, he writes on the margin instructions which will prevent any error. Examples: "Martin, *Hatrival*, Luxembourg." "Destination office is Hatrival, and not Luxembourg." "Hirsch, *Edingen*." "Destination office, Enghien (Belgium) and not Edingen (Germany)." If the telegram contains words written in a doubtful manner, he asks the sender to explain them, and, in order to facilitate the operator's task in transmitting it, he reproduces these words legibly on the margin, unless the sender himself undertakes to do it.

ART. 80. The clerk, as far as possible, must point out to the sender any exceptional circumstances which may delay the communication,

particularly when the time of closing the receiving office is near or is past; in this case the sender is notified that the telegram will be sent as far as possible and as soon as possible.

Explanations furnished to the public should also be as concise as possible, and should not include the details of the service.

In no case is it allowed to guarantee to the public the arrival of a telegram within a fixed time.

In case of a complete interruption in a telegraph line the public is informed of it by a notice attached at the receiving window. This information does not dispense with the necessity of the clerk's notifying people who present telegrams to be sent over those lines of the interruption.

The senders who would nevertheless persist, must be notified that according to the regulations of article 124 the telegrams are sent by the first mail to the telegraph office that can most facilitate the sending of the message. If this means of sending does not suit them, and if they wish, eventually, to withdraw their telegrams, they must be asked to say at what hour, if the interruption continues, they wish their telegrams withdrawn.

ART. 82. The telegraph office which receives by post, or which finds in the box a telegram irregularly or insufficiently stamped, examines it to see if it is not possible, without changing its sense, to condense it and make its present stamping sufficient.

They should try especially to omit the words which make it exceed the charge when the sense and clearness do not suffer by the omission.

These modifications, which call for much care and discretion, must be made in a clear manner and signed by the clerk. They can not in any case be put on telegrams that have been compared, nor on telegrams whose sender would have been sure to protest against this proceeding, which is only allowed in the interest of the public.

ART. 83. When a telegram is not presented by the sender himself, nor by a person capable of understanding the observations, settling the charges, furnishing the explanations, or making the corrections, which are the object of the preceding articles, it should be seen (according to circumstances—distance, etc.) if there would be any advantage to the sender in sending back the telegram to him. If so, the reason of doing so is written on the memorandum. If not, the bearer is told that the telegram is accepted, to avoid delay, at the risk and peril of those concerned; that it has been condensed to render the stamping sufficient, etc.

ART. 84. Telegrams, not stamped, arriving by post or put in the box of the original telegraph office, and those which, coming under the conditions of article 82, can not be modified, are returned to the sender, if the address of the latter is known at the office. This return takes place, as a general rule, by mail, as a simple letter for unstamped telegrams, and with an official notification where the stamp is insufficient.

When the address of the sender is not known the telegram is kept in the telegraph office, where the owner, on proving his identity, may claim it up to the next day. After that delay, it is sent with the daily accounts to the administrative direction of telegrams. A memorandum shows the reason of its nontransmission. The stamps are not canceled until it is being sent to the direction. The sender, if he presents himself after the above-mentioned delay, is asked to apply to the central administration.

ART. 85. The office may, in certain cases, and on its own responsibility, send back an irregular telegram by express, the cost to be paid by the sender; but this means must not be considered obligatory and must only be used when the recovery of the express charges is certain.

These regulations are applied to telegrams which the senders might have considered legally stamped by means of postage stamps.

ART. 87. A sender may ask to have his telegram sent only at a certain hour, which is then set down as the hour of its deposit. The request is made in writing; it is added to the message, if written on loose paper.

ART. 98. The clerks at the telegraph window must wait on the public quickly and not keep them waiting without real necessity. They are helped, if necessary, by the other employees present.

In order to answer questions of the public the clerks ought to interrupt all office work which is not urgent and which might be put off for a few minutes without inconvenience.

When they are busy with an urgent matter which they must finish before leaving, they notify the person who wants them and ask him to wait.

ART. 99. Telegrams presented at the office of deposit are sent to a neighboring telegraph office stamped with telegraph stamps and in a pink envelope. The original dispatch shows the method of its being sent and the time. It is sent without extra charge when the sender is satisfied with the first opportunity presenting itself, by train, mail, or any other means of regular correspondence. The sender asking to have it sent by express pays the extra charges according to the rates in use.

ART. 100. The charges of sending by express to the telegraph office are only collected once for several telegrams deposited at one time by the same sender. If there are several senders, the express charges are divided among them proportionately to the telegrams deposited and they are informed of the reason of the exceptional reduction in the expense.

ART. 103. The order of priority of telegrams is established as follows:

First. Danger in a household; danger to traffic or public order.

Second. State telegrams.

Third. An urgent home service telegram; a telegram of the international telegraph service; acknowledgment of their receipt.

Fourth. Private telegram and urgent telegraph money orders.

Fifth. Private telegram and telegraph money orders not urgent; ordinary home service telegrams.

Dispatches in the same order are sent by the dispatching office in the order of their deposit. In the intermediary offices telegrams to the delivery office or in transit, which must use the same wires, are sent without any distinction and according to the time of their deposit or reception.

ART. 107. A dispatch in process of being sent can not be interrupted on account of the priority of another telegram, unless in the case of a home telegram announced by the letters D. P. J. (danger in a household), or of a foreign telegram of the first class and showing unmistakable urgency.

The office which calls must not insist further when it has been answered, unless it has announced a dispatch of this class. If not, it must wait during the interval indicated to it before calling up again; if it insists, without this great urgency, the telegraph operator called up has the right to isolate the office, temporarily shutting off the communication. That is the only case where this maneuver is excusable, and must, however, not be prolonged more than the ten minutes fixed by article 133.

ART. 108. In spite of the preceding rules both sides may insist on good faith. In that case discussion is forbidden; all the offices defer to the central office at Brussels. The offices of the "omnibus" lines yield to the "offices of exchange," and the latter to the principal

offices. With two offices of the same rank the farther one from Brussels yields to the nearer.

ART. 137. Telegrams of all categories must be transmitted exactly as the sender has written them.

With foreign offices it is forbidden to use any other abbreviations than the special signs of the Morse alphabet. The first office receiving a telegram originally abbreviated writes it out in full.

ART. 154. It is positively forbidden to leave the telegraph instrument without having finished the communication; to discuss or criticise in any manner whatever anything the sending operator does; to make any useless observations to him; to ask to have him replaced, or to ask to have an instrument or wire changed without absolute necessity.

The name of the sending operator can only be asked by an order from the chief, and always requires an explanation of its being asked.

ART. 155. It is forbidden to talk or exchange news over the wires. Practice should be in extracts of printed or written works, and they should be written out in full by the receiving operator.

Besides authentically written and signed telegrams and the explanations asked to get the exact reproduction of the telegram as the sender has written it, the telegraph operators can only exchange the official abbreviations. If the nature of the service requires a more detailed communication, it calls for a special-service telegram.

DELIVERY OF TELEGRAMS.

ART. 165. Telegrams may be addressed to a house or to a poste restante or "telegraphe restante" (to be kept at the post-office or telegraph office till called for). They may be sent to a house by telephone under the conditions fixed by the administration, which allows this mode of delivery. In Belgium the telephoned communication to the recipient is made free of charge by the receiving office.

Telegrams are delivered or sent to their destination in the order of their arrival and priority.

Those addressed to a house in the locality served by the telegraph office are immediately taken to their destination. However, those arriving after 10.45 p. m. are not taken to the house during the night except in the following cases:

(1) When the telegram contains an invitation to leave or a commission to be sent by the first train in the morning.

(2) When it is on urgent business, to which probably the recipient would attend during the night.

(3) When the recipient has made a request in advance that his telegrams should be sent to him during the night.

(4) When it concerns a telegram deposited during the evening (after 8.45 p.m.), which implies that the sender wished it to reach its destination without any delay.

In every other case they are sent to the house between 6.45 and 7.45 in the morning.

ART. 166. If telegrams are marked "Post," they are sent by the post as ordinary letters, without charge to the sender or recipient. If they are marked "Post recommended" or "P. R.," they are put in the post-office as recommended letters without expense to the administration or to the recipient.

Telegrams intrusted to the post-office, like ordinary letters, must, nevertheless, be presented at the post-office window, where the stamp is put on the receipt stub.

Telegrams addressed to passengers on board a vessel putting into port are sent on board, as far as possible, before the disembarking.

ART. 168. When a telegram is addressed "Telegraphe restante," it is only delivered to the person to whom it is addressed or to his agent.

If the person addressed is not personally known at the office he must prove his identity in a satisfactory manner.

The same formality is necessary when a person comes to the office to ask if a telegram he is expecting has arrived. No answer is given until his identity is perfectly proved.

ART. 170. A telegram carried to a house may be delivered to the person addressed, to the grown members of his family, to his employees, lodgers, or guests, or to the janitor of the hotel or house, unless the person addressed has appointed a special agent by writing, or unless the sender has written before the address the indication M. P., "to be placed in his (or her) own hands," or some other indication, in the same sense, that it is to be given into the hands of the addressed person only. The sender may also ask that the telegram should be sent open, by writing before the address the indication R. O., or "to be sent open." These two last methods of delivery are not always obligatory for the administrations which declare that they do not accept them.

ART. 196. Postmasters, when they manage a telegraph office or when they receive from the neighboring telegraph office a telegram with the request to have it sent by express, employ in preference candidate letter carriers, and take measures to assure themselves constantly of the free disposition of those agents.

They choose the promptest means that circumstances permit.

The telegrams sent to post-offices to be transported on horseback, in vehicle, or on foot are accompanied—

(*a*) By the special green-colored receipt to be signed by the person addressed.

(*b*) By a requisition mentioning the mode of transport, the date, and the hour of arrival of the telegram, and the name and domicile of the person to whom it is addressed.

(*c*) By a form to be returned, duly filled up, to the office from which the requisition emanates.

ART. 198. Telegrams arriving at a frontier office may be sent by express to the foreign territory when the place of destination is not comprised within the distributing circuit of a foreign telegraph office.

ART. 203. State telegrams are those emanating from the head of the state, ministers, commanders in chief of land or sea forces, and diplomatic or consular agents, as well as the answers to these telegrams.

Telegrams of consular agents who are in trade are not considered as state telegrams except when they are addressed to an official person and treat of affairs of the service.

ART. 204. Besides telegrams coming from the above-mentioned authorities, telegrams of officers, specially authorized by the chief of each department to correspond officially by telegraph, are admitted as state telegrams in the home service.

ART. 207. State telegrams are subject to the same charges as private telegrams except that those deposited during the night are exempt from the extra charge for urgency.

ART. 212. The administrative director of telegraphs prepares quarterly returns of the charges due by each department or diplomatic office, and attends to their liquidation. The amount of them is deposited at the Brussels telegraph office (central).

For the consular agents or other officials who are authorized to send

government telegrams, and who do not reside at Brussels, the payment of the charges may be made at the telegraph office of their residence.

According as these payments are made the offices inform the administrative director of them, who charges them with the amount.

ART. 213. In everything not provided for in the regulations relative to state telegrams, they are treated as private telegrams.

ART. 214. Every sender of a telegram may pay for the answer in advance, except that the payment must not exceed the charge for 30 words.

ART. 219. The sender of a private telegram may obtain priority of transmission and delivery by writing the word "urgent" (or D) before the address, and paying triple the rate of an ordinary telegram.

Urgent private telegrams have the priority over other private telegrams, and their priority among each other is regulated in article 103.

The urgency tax is obligatory for home telegrams deposited after 8.45 p. m. to be delivered during the night. In that case the word "Urgent" (or D) ought also to be written before the address.

ART. 221. The sender of a telegram may ask that the indication of the date and the hour at which it will be delivered be notified to him immediately after its delivery. He then writes on his dispatch, before the address, the words "Notice of receipt (or C. R.).

The charge for the notice of receipt is equal to that of an ordinary telegram of fifteen words in the home service and of ten words in the international service.

The sending office is required to demand from the receiving office the notice of receipt if the letter is not sent within twenty-four hours.

ART. 222. Notices of receipt have priority over private telegrams. The notice is transmitted immediately.

ART. 223. Every sender of a telegram may demand, by writing before the address the words "Follow up" (F. S., *faites suivre*), that the receiving office send forward his telegram within the limits of the countries within the European régime. He can not pay in advance for an answer to this telegram.

When a telegram bears the words "Faire suivre" (F. S.), without any other indication, the receiving office, after having it presented at the address indicated, sends it on immediately, if necessary, to the new address designated at the domicile of the person to whom it is sent, and this new address is written on the telegram after the first.

If no indication is furnished, the telegram is retained. If it is forwarded and the second office does not find the person to whom it is addressed, it is kept in that office, which transmits to the original sending office a notice that it was refused or that its addressee is unknown, or has not arrived or has left.

ART. 224. The first charge for telegrams with the words "Follow up" is simply the charge for the first sending. The additional charge is paid by the addressee.

ART. 225. When there is no doubt as to the expense being paid, every telegraph office may, on its own responsibility, have telegrams follow the addressee.

ART. 231. In the money-order telegraphs the telegraph is used only for the transmission of the orders and their delivery to the postmaster, the service and the payment of the money being confided exclusively to the post-office.

They are susceptible of "urgency," "answer paid," and "express paid."

The sender may add to the money-order telegram a private communication to the beneficiary.

ART. 232. The charge for a money-order telegram is composed of the telegraph charge and the ordinary charge for post-office money orders.

The money-order telegram is carried immediately to the postmaster, even outside of office hours. Those sent to large centers of population where there are several post-offices, and for which the sender has demanded payment at the domicile by special carrier, must be sent to the distributing post-office. If the charges have all been met, the payment must be made at the domicile, and immediately, by a special carrier.

ART. 236. The international money-order telegram is subject to the same rules as the home money-order telegram (with some variations minutely described).

GOVERNMENT SAVINGS, PENSION, AND INSURANCE BANKS.

ANSWERS TO QUESTIONS 1 TO 8 AND NO. 21, RELATING TO THE POSTAL SAVINGS BANK SERVICE.

Question 1. Copies of all laws existing on the subject of postal savings banks.

Answer. Annexed are copies of the laws and decrees concerning the postal savings bank system.

Annexed are also the laws and decrees relative to the postal pension fund and assurance fund.

Question 2. The round annual sum of deposits in postal savings banks as shown in the official reports for each year since the establishment of the system.

Answer. Annexed are the reports published by the general postal savings and pension bank for the years 1891 to 1896.

Similar documents referring to the years prior to 1891, from the establishment of the postal savings bank service (1870), have been transmitted to the Postmaster-General of the United States at Washington on January 9, 1892, by letter No. 132.

Question 3. What is the rate of interest allowed to depositors?

Answer. An interest of 3 per cent per annum is allowed to depositors on pass books where the deposits have not exceeded 3,000 francs ($600) in the course of the year. No account is taken, in this maximum of 3,000 francs ($600), of the interests of the past year when such interests have been withdrawn before the 1st of April.

For other deposits the interest allowed is 2 per cent per annum. (See at end of pamphlet the decree of October 18, 1894.)

Question 4. Are there limits fixed to the amount of the sums received on deposit?

Answer. No limit is fixed as to the amount of the deposits which may be inscribed upon a savings pass book, but a single depositor can not, without special authority, deposit more than 5,000 francs ($1,000) per fortnight; that is to say, from periods comprised between the 1st and 15th and the 16th and the end of the month.

Question 5. What is the shortest period to which deposits are restricted?

Answer. The sums deposited may be withdrawn only after the expiration of the fortnight during which the deposit has been made.

Question 6. What is the average annual amount of individual deposits?

Answer—

	Francs.		Francs.
1891	80.44 ($16.10)	1894	77.34 ($15.47)
1892	81.66 (16.35)	1895	76.49 (15.30)
1893	82.60 (16.52)	1896	71.89 (14.20)

Question 7. Are certificates of deposit transferable? If so, what are the rules?

Answer. The total or partial transfer of a savings book in the name of another is considered as an act of cession, and must be notified to the savings bureau, either through a bailiff or by letter with signature attested.

Question 8. Are the certificates of deposit convertible into State obligations? If so, in what limits?

Answer. The owners of savings pass books may convert all or part of their deposits into State funds. No limit is fixed as to the amount of the State funds which may be acquired on those conditions. (See decree of October 18, 1894, before cited.)

Question 21. What is the annual figure of operations of the postal savings banks?

Answer. This information is contained in the reports published by the general savings and pension bureau referred to above.

Annexed are résumés from the reports published by the department of railroads, post-offices, and telegraphs for the last five years.

LAWS AND DECREES CONCERNING THE SERVICE OF THE GOVERNMENT SAVINGS BANK.

Law of 16 March, 1865, establishing under the guarantee of the State a general savings and pension bank.

Leopold, King of the Belgians, to all present and to come, greeting:

The Chambers have adopted and we sanction the following:

CHAPTER I.—*On the organization of the savings and pension bank.*

ARTICLE 1. A savings bank is established under the guarantee of state.

The general pension bank established by the law of the 8th of May, 1850, is annexed to the savings bank. They constitute a general savings and pension bank.

The seat of this institution is at Brussels.

ART. 2. Branches are established in all localities where it is possible to count on the aid of corporations, public institutions, or benevolent persons.

Contracts concluded for the erection of branches or auxiliary banks are submitted to the approbation of the minister of finances.

ART. 3. The bank receives deposits, pays interest on Government securities, and reimburses deposits in all the agencies of the National Bank, and, besides, in all the localities where the Government judges it necessary.

ART. 4. All sums deposited are centralized in one single bank.

Separate accounts are kept of the capital in the savings bank and of that in the pension bank.

ART. 5. The bank may, with the authorization of the King, receive donations or endowments, designed for the benefit of all, or a certain class of participants in the Kingdom or in special localities.

ADMINSTRATION.

The bank is managed by a general council, a council of administration, and a director-general.

The council-general is composed of a president and twenty-four members.

The council of administration, chosen from the general council, includes a president and six members.

ART. 7. The presidents and the members of the councils are appointed and may be dismissed by the King.

They are appointed for six years. The functions of four members of the general council and of one member of the council of administration expire every year. Retiring members may be reappointed.

ART. 8. Attendance fees may be allowed to the president and to the members of the council of administration.

ART. 9. The director general is appointed and may be dismissed by the King. His salary and his security are fixed by royal decree.

The director-general may not, during his official term, be a member of either of the legislative chambers.

A member of either of the two chambers being appointed director-general immediately ceases his legislative duties.

The director-general who is elected to either of the two chambers is admitted to take the oath of office only after declaring that he prefers the latter commission.

COUNCIL-GENERAL.

ART. 10. The council-general sees that branches are established according to article 2.

It decrees the organic rules and concludes all conventions relative to the bank, subject to the approbation of the Government.

It gives its advice on the acceptance of gifts and legacies for the profit of the bank.

It fixes, under the approbation of the minister, the rates of interest to be paid on the sums deposited, the conditions of loans to be contracted by the bank, and the conditions of issuing securities.

It determines the amount of the active fund, of the capital to be invested, and of that in reserve. It gives a final decision on all controversies and reclamations referred to it by the council of administration, from which there is an appeal.

COUNCIL OF ADMINISTRATION.

ART. 11. The council of administration sees that the decisions of the council-general are executed by the director-general.

It superintends and directs all the operations of the bank.

It appoints and dismisses the employees of the bank, and fixes their compensation.

It gives its advice on the affairs to be decided by the general council, and prepares the decisions.

It authorizes withdrawals, and makes decisions on all questions relative to deposits and payments of less than 500 francs ($100) made at the bank.

ART. 12. The decisions of the council of administration are final,

except that recourse to the council-general may be made during fifteen days after the notification of the interested parties. This notification is made by registered letter.

DIRECTOR-GENERAL.

ART. 13. The director-general performs the functions of judge-advocate to the general council and the council of administration.

He directs and supervises the work of the offices. He alone is charged with the execution of the decision of the councils under the supervision of the council of administration. He represents the bank in its public and private acts. With the previous authorization of the council of administration, he forecloses mortgages. Legal actions are instituted and defended by him.

ART. 14. Every year he gives an account of the operations of the bank to the council of administration. A separate account is kept for the savings bank and for the pension bank.

ART. 15. These accounts are sent to the council-general and are published by the minister of finances.

ART. 16. They are submitted, with their vouchers, to the control of the court of accounts.

ART. 17. The administration of the bank submits to the Government every month a statement showing the condition of the establishment and its branches. This statement is published monthly in the Moniteur.

Besides this, every year the Government presents to the legislature a detailed report of the condition of the institution.

ART. 18. Documents and all papers necessary to the execution of the requirements of the present law are delivered free and exempt from stamp and registry taxes.

ART. 19. The managers, receivers, or collectors of the bank are assimilated to public functionaries in everything connected with seizures or hindrances on the funds deposited in the savings and pension banks.

CHAPTER II.—*The savings bank.*

ART. 20 (since modified or abrogated). Deposits made in the savings bank bear interest from the first or fifteenth of the month immediately following the deposit.

Each deposit must be at least a franc. (20 cents).

Interests, accumulated from the 31st of December of every year, are added to the capital and become from that day productive of interest.

Interest is not calculated on fractions of a franc.

ART. 21 (since modified or abrogated). Sums deposited cease to bear interest from the first or the fifteenth of each month preceding the time of their repayment.

ART. 22. Sums deposited may be redeemed without previous notice if they do not exceed a hundred francs ($20); however, the depositor may use this privilege only once a week.

In all larger sums notice must be given in the following order: Fifteen days for more than 100 francs ($20) and less than 500 francs ($100); one month for 500 francs ($100) and less than 1,000 francs ($200); two months for 1,000 francs ($200) and less than 3,000 francs ($600); six months for 3,000 francs ($600) and more.

These delays, which may be shortened by the council of administration, begin from the date of the last repayment mentioned in each pass book.

ART. 23. These pass books bear the name and address of the depositor.

The return of a pass book is equivalent to a discharge from the savings bank.

Every receipt given to the bank and signed by two witnesses, when the person concerned can not write or sign, is legal.

ART. 24. When a pass book is lost the owner may obtain a duplicate on submitting to the conditions and precautionary measures prescribed by the administration.

ART. 25. Sums deposited are, at the request of the depositors, converted into the public Belgian securities at the current prices at the Stock Exchange of Brussels.

ART. 26. The bank may, after having given notice to the depositors, convert into public Belgian securities all sums necessary to reduce the pass books of a single depositor to a sum of 3,000 francs ($600).

It may also act in the same way on being convinced that, in order to evade the application of this rule, different check books belonging to one person are inscribed under several names.

ART. 27. The active capital of the bank is divided into three categories: (1) The funds in active use; (2) the amount intended for temporary investments; (3) the amount intended for final investments.

The funds in active use are kept in the treasury of the National Bank.

ART. 28. The amount of the active stock intended for temporary investment is utilized in one of the following ways:

(1) Discount on letters of exchange and call loans.

(2) Advances on commercial goods and bonds of home and foreign mints and refining offices.

(3) Advance money on warrants.

(4) Advance money on the public funds of Belgium or of foreign countries or of communes or provinces; shares and bonds of Belgian companies.

These investments and their realization are made under the care and with the intervention of the National Bank, which keeps accounts of them, separate and distinct from its own accounts.

ART. 29. The portion of the bank funds intended for definite investment is made productive by an investment in the four following categories:

1. Public Belgian securities or other securities guaranteed by the State.

2. Bonds of provinces, cities, or communes of Belgium.

3. Hypothecated bills or loans.

4. Bonds of Belgium companies which for at least five consecutive years have fulfilled all their engagements by means of their ordinary resources.

ART. 30. Funds intended to be invested in a definite manner are deposited by the National Bank in the Bank of Trusts and Deposits which makes the application of them and takes care of the securities purchased.

The Bank of Trusts and Deposits is equally responsible, when required, for the realization of the investments belonging to the savings bank.

It deposits in the National Bank, for the profit of the savings bank, the product of these sales, as well as the income which it has received from the investments.

ART. 31. All the profits shown by the accounts from the reserve fund of the savings bank.

ART. 32. The reserve fund is destined to meet accidental losses of the savings bank and to repay to the Government the losses it may have sustained in execution of the guaranty given by it.

Every five years the Government may, with the approbation of the general council, decide that a portion of the reserve fund will be divided amongst the passbooks existing for at least a year, in proportion to the interest of each during the last five years.

ART. 33. The bank may, with the authorization of the minister of finances, make provisionary loans, with or without guarantee of securities.

ART. 34. The bank may deliver coupons payable to bearer or to order for the securities which it holds upon the great book of the Belgian public debt.

The interests and coupons of these securities are paid by the public treasury on the same understanding and in the same way as those of the other Belgian securities.

It may also issue passbooks for these inscriptions on the book of national debt.

The six months' interests on these passbooks are subject to all the rules and enjoy all the privileges of investments made in the savings banks.

ART. 35. The rule of article 2277 of the civil code is not applicable to the savings banks.

ART. 36. To the savings bank which has delivered the title are acquired:

1. The sums which have accumulated to the account of the depositor who for thirty years has not made a deposit or withdrawal.

2. The securities bought officially or at the request of the depositors, for which certificates or passbooks have been delivered by the savings bank, when the holders of them have not claimed payment for thirty years.

The delay of thirty years begins only from the day on which the person entitled has acquired the free disposition of the capital deposited.

ART. 37. Every deposit made in a savings bank, attested either by passbooks or by certificates of inscription of securities, falling into escheat becomes the property of the bank where it has been deposited.

ART. 38. The bank may, with the approval of the minister of finances, make contracts with existing savings banks for the taking up of their capital, active and passive, in whole or in part.

In this case the administration may take securities of other kinds than those designated in articles 28 and 29.

ART. 39. The relations between the savings bank and the national bank are regulated by the Government according to article 11 of the law of 5th May, 1850.

CHAPTER 3.—*The pension bank.*

ART. 40. Every person of at least eighteen years of age is allowed to make deposits in the pension bank, either on his own account or in the name of a third person.

No deposit is received in favor of persons less than ten years of age.

Deposits may be made with the receivers of taxes or at the savings banks.

ART. 41. Every sum deposited which is insufficient to bring in any income under the conditions demanded and for the profit of the person designated is deposited temporarily at the savings bank.

ART. 42. The incomes may be immediate or deferred.

ART. 43. They may be constituted either with or without reserve of the capital at the death of the insured.

Mention of the time for beginning to draw the interest and of the reserve of the capital must be made at the time of deposit.

ART. 44. Every annuity is personal to the one in whose name it is inscribed.

Nevertheless, if the annuity is made up with the funds of several persons, each of the contributors has the right to draw his share in case of the dissolution of the common interest.

ART. 45. A married woman must have her husband's consent to acquire annual payments.

In case of the refusal of the husband, a justice of the peace, with the knowledge of the parties, may authorize the wife; he may also do the same thing in the absence of the husband, and generally whenever the latter, for any reason whatever, is prevented from legally showing his wishes.

This decision may be appealed from to the chamber of the council when the value of the contested sum exceeds the jurisdiction of the justice of the peace.

The authorization is legal until a notified revocation has been made to the collector with whom it is deposited.

ART. 46. The yearly payments corresponding with each deposit are acquired according to tariffs to be regulated by royal decree.

The royal decree will indicate the rate of interest, the table of mortality from which the rates will have been calculated, the minimum of incomes, and that of deposits.

ART. 47 (modified afterwards). The maximum of accumulated annual payments may not exceed 720 francs ($144).

Those whose payments would exceed the maximum can not receive the surplus, and have only the right to reimbursement, without interest, of the sums irregularly deposited.

They will be deprived of this right if they already received one or several terms of the excess of the interest.

ART. 48. The beginning of the enjoyment of the deferred annual payment can be fixed only from the end of each year of age, from fifty to sixty-five.

ART. 49. The same insured person may acquire annuities for different ages, but every acquisition determines irrevocably the beginning of the receipt.

ART. 50. According to the preceding article, every insured person who has to work for his livelihood and who before the age fixed by the insurance company finds himself incapable of providing for his subsistence, may be allowed to enjoy immediately the insurance which has accumulated for him, but reduced in proportion to his actual age when he comes into possession of it.

When the incapacity for work comes from the loss of a limb or an organ or from a permanent infirmity resulting from an accident happening in the exercise of his profession, the insured person immediately begins to receive the interests which he has acquired since at least five years, but the sum is not allowed to exceed 360 francs ($72).

ART. 51. In case of the death of the insured person before or after the opening of his pension the sum deposited by him is repaid, without interest, to his heirs or legatees, if the insured person has made that request when he deposited the money, according to section 2 of article 43.

If the insurance fund has been established by a benefactor the latter

may also stipulate, at the time of investment, for the return of the principal on the death of the insured person, either for his own profit or that of his heirs or for the profit of the heirs of the insured person.

ART. 52. The capital reserved to be repaid on the decease of the beneficiary may always be affected, in whole or in part, either to the creation of new annuities or to the increase in value of those in hand, in the limits prescribed by the law.

ART. 53. Deposits are irrevocably acquired to the bank, with the following exceptions:

1. Those which are effected irregularly on account of a false declaration as to the names, civil qualities, or age, of the person insured.
2. Those which are insufficient to produce an interest.
3. Those which exceed the amount necessary for attaining the maximum of annuity fixed by article 47.
4. Those which a married woman has effected without authorization.

The deposits mentioned in paragraphs 1 and 4 are returned to whoever has the right to them, except in the case established in the last paragraph of article 47.

Investments coming under paragraphs 2 and 3 are deposited officially in the savings bank, and may be reclaimed, with the accumulated interest, by those having the right to them.

ART. 54. The bank contracts no obligation toward the families of the insured. However, in case of indigence, it pays the funeral expenses of the insured dying after they enter into possession of their annuity.

ART. 55. The annuities can not be given up or seized. Nevertheless, in the cases referred to in articles 203, 205, and 214 of the civil code, if the accumulated annuities exceed 360 francs ($72), they may be seized at the instance of a third party, but the part reserved must never be less than 360 francs.

ART. 56. Interest is only paid to those for whose profit the money has been invested.

ART. 57. (Subsequently modified or abrogated.) The annuities are paid monthly in one-twelfth parts, or trimonthly in one-fourth parts, by the medium of savings banks, or by the receivers of direct taxes in the locality in which the investors reside; they are only paid to persons residing in the Kingdom.

However, exceptions may be made in favor of Belgians who, since the acquisition of their interests, have settled in foreign countries.

ART. 58. To each insured person a pass book is given, in which are written the deposits he has made, the interest he acquires, and the back pay which he receives.

ART. 59. Royal decrees determine the form and keeping of these books, as well as the manner of ascertaining the age, residence, and means of livelihood of the insured person, and the cases provided for by article 50.

ART. 60. The council of administration decides, according to the last paragraph of article 11, on the difficulties which may arise from the application of articles 50, 54, and 57, subject to appeal to the council general in the fortnight following the notification of the decision by registered letter.

ART. 61. In case of a failure of heirs the capital sums reimbursable according to the terms of articles 51 and 53 accrue to the bank, which may also acquire them by prescription, if the reimbursement has not been claimed for fifteen years after the death of the insured person.

ART. 62. All receipts are deposited in the national bank in the name of the savings and pension bank.

ART. 63 (since modified or abrogated). All disposable receipts are applied for the purchase of inscriptions in the "Great book of the public debt" in the name of the bank.

ART. 64. The organic rules of the pension bank, contained in the law of the 8th May, 1850, are replaced by chapter 3 of the present law.

CHAPTER IV.—*Transitory dispositions.*

ART. 65. The holders of capital invested under the régime of the law of the 8th May, 1850, have the privilege of fixing the time of entering into enjoyment of their annual payments at whatever date they specify, under the condition of making the necessary supplementary deposit within one year after this law goes into effect, and in any case before entering into possession of the pension.

ART. 66. Royal decrees fix the dates to which the dispositions of the law are successively applied. Those of the law of the 8th May, 1850, remain in effect until they have been respectively replaced by the introduction of new rules.

ART. 67. The Government is authorized to advance the sums necessary to cover the expenses of the first establishment of the savings bank.

A special credit of 50,000 francs ($10,000) is allowed for this purpose to the minister of finances.

We enact the present law, and order that it may be sealed with the seal of state, and published in the Moniteur.

Given at Laeken 16th March, 1865.

LEOPOLD.

By the King:

FRÈRÉ-OBRAN,

The Minister of Finances.

Signed and sealed with the seal of the state:

VICTOR TESCH,

The Minister of Justice.

ROYAL DECREE OF THE 22D MAY, 1865.

Leopold, King of the Belgians, to all present and to come, greeting:

According to the law of the 16th March, 1865, which establishes a general savings and pension bank, and particularly to article 66, thus expressed: "Royal decrees fix the dates to which the dispositions of the law are successively applied. Those of the law of the 8th May, 1850, remain in effect until they have been, respectively, replaced by the introduction of new rules;" on the proposition of our minister of finances, we have decreed and do decree:

ARTICLE 1. Articles 1 to 33, 35 to 39, and 67 of the law of the 16th March, 1865, will be obligatory from the 1st of next June. However, our minister of finances will ultimately fix the date on which the operations of the general bank will begin.

ART. 2. Conventions for the purpose of erecting branch or auxiliary banks, according to article 2 of the law, will stipulate, particularly, the engagement on their part—

(1) To conform to the delays prescribed by article 22 of the law, unless they are authorized to shorten them by the council of administration of the general bank.

(2) To adopt the rules of accountability laid down for them.

(3) To submit their books and accounts to the inspection of delegates from the council of administration.

(4) To cover their own expenses of administration.

ART. 3. Payments to be made by the savings bank to branch banks may be effected through tax collectors.

ART. 4. The savings bank receives disposable surpluses from provinces, communes, hospitals, charitable institutions, church funds, and from all public establishments in general. The competent authority decides with what sums pensions may be arranged on the simple receipt of the receivers or treasurers, and those which can be so only by virtue of a special authorization.

When the reimbursement of these deposits is not subject to the delays stipulated by article 22 of the law of the 16th March, 1865, the rate of interest to be given is reduced, provisionally, to the half of that which is fixed for the ordinary deposits.

ART. 5. The council general decides, on the proposition of the council of administration, the amount of active capital, that of capital to be invested, and that of the reserve.

ART. 6. The council of administration, in the limits fixed by the general council, makes the investments and prescribes the amounts to be realized.

When the council of administration judges that there is an opportunity, by the purchase of public funds, for an individual account to reach the maximum of 3,000 francs ($600) fixed by article 26 of the law, he fixes the time in which the depositor may decide on the investment or for the reimbursement. This delay can not be less than fifteen days. If, at the expiration of this time, the depositor has not made a request for repayment, or else if, after having made this request, he does not present himself to withdraw his funds on the day fixed, the bank may proceed to the conversion according to article 22 of the law.

ART. 7. The savings bank and its branches are placed under the superintendence of the minister of finances, who verifies its condition and accounts whenever he sees fit.

ART. 8. The council general decrees the organic rules as well as the instruction necessary for the execution of the law. The organic rules are submitted to the approbation of the minister. Our minister of finances is charged with the execution of the present decree.

Given at Laeken, 22d May, 1865.

LEOPOLD.

By the King:
FRÈRÉ-ORBAN,
Minister of Finances.

LAW OF 1ST JULY, 1869, MODIFYING THAT OF 16TH MARCH, 1865, ON THE GENERAL SAVINGS AND PENSION BANK.

Leopold II, King of the Belgians, to all present and to come, greeting:

The Chambers have adopted and we sanction the following:

ARTICLE 1. The articles 20, 21, 47, 57, and 63 of the law of 16th March, 1865, are modified as follows:

"ART. 20. Deposits made at the savings bank bear interest from the 1st or the 16th of the month immediately following the deposit.

"ART. 21. The sums deposited cease to bear interest on the 1st or 16th of each month which precedes the time of their repayment.

"ART. 47. The maximum of interest accumulated can not exceed 1,200 francs ($240).

"ART. 57. The interests are paid either monthly, in one-twelfth parts, or trimonthly, in one-fourth parts, through the medium of the savings banks or of the receivers of direct taxes in the locality in which the annuitants reside.

"ART. 63. All disposable receipts are applied to the purchase of securities in the three following categories:

"1. Public Belgian funds or other securities guaranteed by the state.

"2. Securities of the provinces, cities, or communes of Belgium.

"3. Secured bills or loans."

ART. 2. The present law will be obligatory the day of its publication in the Moniteur.

We promulgate the present law and order that it be invested with the seal of state and published by means of the Moniteur.

Given at Laeken, 1st July, 1869.

LEOPOLD.

By the King:
FRÈRÉ-ORBAN,
Minister of Finances.

Signed and sealed with the seal of state.

JULES BARA,
Minister of Justice.

Leopold II, King of the Belgians, to all present and to come, greeting:

In view of the law of 16th March, 1865, establishing, under the guarantee of the state, a general savings and pension bank;

Considering that the right to receive deposits at the savings bank is at present confined to the Central Savings Bank at Brussels and to the agencies of the national bank in the different districts;

Wishing to spread the benefits of this institution by putting it in a way to collect the small savings in all the communes of the kingdom, in order to develop everywhere the spirit of foresight and economy;

On the proposition of our ministers of finance and of public works, we have decreed and do decree:

ARTICLE 1. Our minister of public works is authorized in making postmasters cooperate with the savings bank according to rules to be determined by common agreement between our minister of finances and the council of administration of this bank.

ART. 2. Our ministers of finances and public works are charged with the execution of the present decree.

Given at Brussels, 10th December, 1869.

LEOPOLD.

By the King:
FRÈRÉ-ORBAN,
Minister of Finances.
A. JAMAR,
Minister of Public Works.

REVISION AND CODIFICATION OF POSTAL LEGISLATION.

Leopold II, King of the Belgians, to all present and to come, greeting:

The chambers have adopted, and we sanction, the following:

CHAPTER I.

ARTICLE 1. The postal administration is commissioned:

E. To receive deposits in money and to make repayments for the account of the General Savings and Pension Bank.

BRUSSELS, *30th May, 1879.*

Leopold II, King of the Belgians, to all present and to come, greeting:

In view of the law of the 30th May, 1879, which revises and codifies the postal legislation, on the proposition of our minister of public works, we have decreed and do decree:

CHAPTER V.

ART. 105. Post-offices and subpost-offices receive from the public sums of money, to be deposited in the general savings Bank, and make repayments on the part of that Bank.

This service is regulated by our minister of public works, in agreement with our minister of finances, and with the council of administration of the Bank.

BRUSSELS, *12th October, 1879.*

Leopold II, King of the Belgians, to all present and to come, greeting:

In view of the law of 16th March, 1865, establishing, under the guarantee of the State, a general savings and pension bank;

In view of our decree of 10th December, 1869, authorizing the minister of public works to make postmasters cooperate in the operations of the savings bank;

Considering that it is important to develop in the working classes and in the school population the spirit of order and of economy; that for that purpose it is useful to facilitate for these people the means of investing their savings as they are realized;

Considering, on the other side, that the development of the postal service of the savings bank renders necessary the employment of means of control more efficacious than those that are at present practiced;

On the proposition of our ministers of finances and of public works we have decreed and do decree:

ARTICLE 1. The public in general may make use of ordinary postage stamps of the value of 5 and 10 centimes (1 and 2 cents) to make up deposits of 1 franc (20 cents) for the savings banks.

Exceptionally, school children will be allowed, for the same object, to use stamps of 2 centimes (two-fifths cent) in value.

ART. 2. The postage stamps will be placed by the investors on forms prepared for that purpose and furnished gratuitously by the savings bank.

As soon as a form bears postage stamps to the value of 1 franc (20 cents) it may be presented at any of the offices opened for the service of the savings bank. It will there be accepted as a deposit of a similar sum made in money.

ART. 3. No person may deposit more than 10 francs ($2) a month by means of postage stamps.

ART. 4. The post office is authorized to furnish, on credit, to the heads of official primary schools a first supply of postage stamps, meant to be sold to their pupils to put in the savings bank. These stamps will be renewed, on being paid for, according as they are used up.

ART. 5. All deposits made for the savings bank in the post-offices will be shown by means of receipt coupons issued especially for this purpose by the administration of the post-office. These coupons will be pasted in the depositor's pass book by the post-office clerk, who will affix his signature and the date.

No receipt will be recognized as legal by the administration if it has not been given under this form.

There will be coupons of 1 franc, 2 francs, 3 francs, 5 francs, 10 francs, 30 francs, 50 francs, 100 francs, 500 francs, and 1,000 francs (20, 40, and 60 cents, and $1, $2, $6, $10, $20, $100, and $200).

ART. 6. Deposits made in the post-offices must not include fractions of francs.

ART. 7. Deposits of more than 5,000 francs ($1,000) can not be accepted, except by a special authorization of the central administration, to whom the pass books must be sent if such a case arises.

ART. 8. The intervention of the administration and the return of the pass books will be equally necessary for the withdrawal of a sum of more than 100 francs ($20).

ART. 9. The administration of the savings bank will call in all the pass books every year in order to verify them and to write in them the amounts of interest acquired in the past year.

Depositors who, without any valid excuse, fail to send in their books before the expiration of the first six months will lose the interest on the sums deposited during that past year.

ART. 10. Every person connected with the savings bank must make and subscribe a declaration that he has sufficient knowledge of the laws and regulations of the institution, and that he pledges himself to observe them.

Our ministers of finance and public works will fix the dates for the present decree going into effect. They will arrange together the measures of keeping accounts that will comport with the application of the law.

Given at Brussels, 16th May, 1881.

LEOPOLD.

By the King:
CHARLES GRAUX,
Minister of Finances.
SAINÉTELETTE,
Minister of Public Works.

GENERAL SAVINGS AND PENSION BANK UNDER THE GUARANTEE OF THE STATE.

Decrees of THE COUNCIL GENERAL of 18th October, 1894, relative to the rate of interest on savings books and on annuity books.

A. RATE OF INTEREST.

ARTICLE 1. The rate of interest is maintained at 3 per cent for the deposits on savings books not having exceeded 3,000 francs ($600) during

their use; interest is calculated at 2 per cent on the whole quantity of every deposit whose amount has exceeded this limit of 3,000 francs.

ART. 2. In order to determine the amount to be taken into consideration in view of fixing the rates of interest, account is not taken—

(*a*) Of the amounts of interest added to the capital on 31st December during the three months which follow the closing of the year;

(*b*) Of the price of every acquisition of public funds for which a bid would have been made at the same time as a deposit on the pass book;

(*c*) Of every sum which would have been put down to the credit of a depositor in consequence of a realization of securities, provided that a repayment, sufficient to reduce the balance in the savings book to 3,000 francs ($600), was asked at the same time as the realization.

ART. 3. The bank may, when several savings books are opened in the same name, let the person entitled know the numbers of the accounts for which interest will not be allowed, after a fortnight.

ART. 4. The rate of interest to be given on sums deposited in the name of recognized mutual societies or agricultural credit cooperative societies is fixed uniformly at 3 per cent.

The bank may, after having notified the depositing society, convert into public Belgian funds the part of the deposit which would exceed 20,000 francs ($4,000).

ART. 5. The present decree will go into effect the 1st January, 1895.

B. ANNUITY PASS BOOKS.

ARTICLE 1. The holders of a savings bank pass book who ask to have entered on the annuity book a nominal capital not exceeding 3,000 francs ($600) are exempt from the commission fees for this first transfer and for the future operations which maintain the inscription in that limit.

The entries on annuity books beyond a nominal capital of 3,000 francs ($600), require a payment of a brokerage of 1 franc in every 1,000 francs upon the portion beyond that figure.

Operations affected on the annuity books beyond a capital of 3,000 francs ($600) are subject to a commission fee of one-tenth of 1 per cent on the portion of the sum which exceeds that limit.

ART. 2. A charge for management (*indemnité de gestion*) is made on the arrears coming from annuity books bearing an annual income of at least 100 francs ($20). This charge is due on the total amount of annual payments inscribed on the 1st of January of each year; it is calculated by whole francs, on the basis of 1 franc for every 100 francs of annuities inscribed at that date; it is levied on the first article of credit exceeding the charge which comes to the annuitant on his book.

ART. 3. The Bank may, after having given notice to the person entitled, transfer into a single pass book the entries that may be made in the several pass books opened in his name.

It may also do the same thing when it is convinced that, in order to evade the rule, different pass books belonging to the same person are inscribed under several names.

ART. 4. No brokerage or indemnity charge will be levied on pass books opened in the name of a recognized mutual society, or in the name of an agricultural credit cooperative bank.

ART. 5. The decree of the Council General, dated 20th December, 1888, is abrogated.

ART. 6. The present decree will go into effect the 1st January, 1895.

LAWS AND DECREES CONCERNING THE PENSION BANK OF BELGIUM.

[From the law of 16th March, 1865, modified by the law of 1st July, 1869.]

ART. 40. Every person, age at least 18 years, is permitted to make deposits in the pension bank, either on his own account or on that of another person. No deposit is received in favor of persons under 10 years of age. Deposits may be made either with tax receivers or with savings banks.

ART. 42. Annual revenues may be either immediate or deferred.

ART. 43. They may be constituted either with or without the reserve of the capital at the death of the assured. Notice of the time for the beginning of the benefit and for the reserve of the capital must be given at the time of deposit.

ART. 44. Every annuity is personally to him or her in whose name it is registered. Nevertheless, if it has been purchased with funds belonging to more than one person, each of the contributors has the right to receive his or her portion of it in case of the dissolution of the joint ownership.

ART. 45. A married woman may lodge her husband's authority in order to acquire an annuity. In case of the refusal of the husband, the justice of the peace—the parties being heard or summoned—may authorize the wife. He may decide also in case of the absence of the husband, and generally when the latter by any reason whatever is prevented from manifesting his desire legally.

This decision may be appealed from to the chamber of the council, when the value of the matter involved exceeds the limitations of competency on the part of the justice of the peace. The authority continues until its revocation is notified to the receiver with whom it is lodged.

ART. 46. The annual payments proper to each deposit are acquired at rates to be regulated by royal decree.

The royal decree will indicate the rates of interest, the mortality table on which the rates will have been calculated, the minimum of the yearly payments, and the minimum of deposits.

ART. 47. The maximum of income provided for can not exceed 1,200 francs ($240).

Persons who may have succeeded in obtaining securities beyond the maximum will not receive the excess, but will have a right to reimbursement, without interest, of the capital irregularly deposited. They will be deprived of this right if they have already received for one or several terms the excess of the annuity.

ART. 48. The beginning of the right to a deferred annuity may be fixed at any age from 50 to 65 years.

ART. 49. The same insured person may acquire annuities for different ages, but every acquisition decides irrevocably the period when the right to it begins.

ART. 50. Every insured person depending on his work for livelihood, and who, before the age fixed by the insurance, becomes incapable of providing for his sustenance, may be admitted to draw immediately the annuity that he has acquired, reduced, however, in proportion to his real age at the time of beginning to draw it.

When the incapacity arises either from the loss of a limb, or of an organ, or from a permanent infirmity resulting from an accident happening in the exercise of his business, the person insured is entitled to

draw immediately the annuity which he has acquired since five years at least, but not to a higher amount than 360 francs ($72).

ART. 51. In case of the death of the insured before or after the opening of his pension, the capital deposited by him is reimbursed, without interest, to his heirs or legatees, if he so requests at the time of the deposit, conformably to section 2 of article 43.

If the pension has been constituted by a donor, the latter may also stipulate at the time of the deposit the return of the capital on the death of the insured, either to his own profit or to that of the heirs or assigns of the person insured.

ART. 52. The capital reserved in order to be reimbursed on the death of the pensioner may also be used in whole or in part, either in the creation of new pensions or in the increase of the pension acquired, within the limits traced by the law.

ART. 53. The deposits are acquired irrevocably by the bank, except:

First. Those which are made irregularly by means of false declarations as to the name and civil qualities or as to the age of the person insured.

Second. Those that are insufficient to produce any income.

Third. Those that exceed the amount necessary for the acquisition of the maximum income fixed by article 47.

Fourth. Those which the married woman has made without authority.

The deposits mentioned in paragraphs 1 and 4 are restored to the person entitled, but without interest.

The deposits mentioned in paragraphs 2 and 3 are placed officially in the savings bank, and may be reclaimed by the persons entitled, with the amount of interest which they have produced.

ART. 54. The bank does not contract any obligations toward the family of the insured; nevertheless, in case of poverty, it may provide for the funeral of the insured who have died after date of entering on the enjoyment of their pension.

ART. 55. The pensions can not be surrendered or seized; but in cases where the accumulated pension exceeds 360 francs ($72) they may be seized on the suit of a third party, provided that the portion reserved shall never be less than that sum.

ART. 56. The pensions are only paid to those for whose profit they are registered.

ART. 57. The annuities are paid either monthly in twelfth parts or quarterly in fourth parts, through savings banks or through receivers of direct taxes in the district where the pensioner resides.

ART. 58. A pass book is delivered to each insured person, in which are inscribed the deposits that he makes, the securities that he acquires, and the arrearages that he receives.

ART. 59. Royal decrees determine the form and the keeping of these books, as well as the manner of ascertaining the age, the residence, and the existence of the person insured, and also as the case foreseen in article 50.

ART. 60. The council of administration decides on questions which may arise under articles 50, 54, and 57, with right of appeal to the council-general within a fortnight of the notification of the decision by letter.

ART. 61. In case of death without heirs the capitals that are reimbursable, according to articles 51 and 53, become the property of the bank, which may also acquire them by right, if the reimbursement has not been demanded within fifteen years after the death of the insured person.

ART. 62. All the receipts are deposited in the national bank, in the name of the savings and pension bank.

ART. 63. All the disposable receipts are applied to the purchase of securities in the three following categories:

First. Belgian public funds or other securities guaranteed by the Government.

Second. Securities of the provinces, cities, or communes of Belgium.

Third. Secured bills or notes.

ROYAL DECREE OF 21ST JUNE, 1868.

ARTICLE 1. Fixes the interest on life annuities at 3 per cent and directs that the chances of mortality shall be calculated according to the table of population of the Kingdom of Belgium, published by M. Quetelet, director of the Royal Observatory of Brussels.

ART. 2. Fixes the minimum of any annual payment at 12 francs ($2.40).

ART. 3. Provides that the annuities may be acquired either by full or by partial deposits. The full deposit is applied to the acquisition of an annuity of at least 12 francs a year ($2.40). Partial deposits must be at the minimum of 1 franc (20 cents), and may not comprise centimes.

If, at the time fixed for beginning the receipt of the pension, the partial deposits do not produce exactly, in their entirety, a pension of 12 francs at least, the person insured is requested by the Bank administration to complete that amount. If he remains in default his deposits, with the interest added, as shown on his pass book, are reimbursed in conformity with article 53 of the law of 16th March, 1865.

OF DEPOSIT BOOKS.

ART. 5. The deposit book bears the number of its issue and indicates:

1. The name, Christian name, and residence of the insured;
2. The date and the place of his birth;
3. The time when he is to enter on the enjoyment of his annuities.

It also shows the place, date, and amount of each deposit, as well as the amount of interest corresponding to the capital, according as the latter is, or is not, reserved.

Extracts from the law of 16th March, 1865, and from the regulations of the pension bank are printed at the end of the book.

At the time when the insured enters into the enjoyment of his pension, the book is completed by the adding of a second part intended to show the payment of arrearages.

The deposit of the price for the purchase of securities is made at the savings bank, or with the receivers of taxes.

For the first payment the depositor receives a memorandum exchangeable in twenty days for a deposit book. The succeeding payments are inscribed in this book by the agent receiving them. The amount of income corresponding to each deposit is indicated in the book by the administrator of the bank; and for that purpose the book is retained at the time of each deposit by the agents of the bank for twenty days.

Every donor may, on his own request, obtain a certificate indicating the amount of capital which he intends to retain for himself.

The age of persons to be insured is established by the production of an extract of their certificate of birth or from any other authentic document giving their name and Christian name, the place and date of their birth, and the names and Christian names of their father and mother.

When an insured person born in Belgium can not produce either his certificate of birth or an authentic document to take the place of it the proof is furnished by any act of notoriety established in the manner prescribed in the civil code. All these acts and documents are if necessary demanded from the competent authorities by the bank administrator.

ART. 11. The insured person who claims any of the exceptions established by article 50 (referring to persons incapable of providing for their sustenance) addresses to the general director of the bank through the burgomaster of his commune:

1. A declaration containing the indications required by article 9 of this decree, and stating also the facts on account of which the anticipatory enjoyment of the pension is asked.

2. A certificate from the burgomaster stating what are the means of existence of the petitioner.

3. A certificate signed by two medical doctors or surgeons, designated, one by the burgomaster and the other by the agent of the bank, which certificate states or declares—

The nature and gravity of the infirmities by which the petitioner is affected.

Whether these infirmities appear to be temporary or permanent.

Whether, on account of them, it is impossible for the person injured to provide for his sustenance by his labor.

The medical fees are at the charge of the person insured.

ART. 12. If it concerns the application of the second section of article 50 (whether the incapacity proceeds from the loss of a limb, etc.), there must be produced besides the attestation of a witness whose signature is vouched for by the burgomaster, announcing:

(*a*) The place and nature of the accident that produced the infirmities.

(*b*) Whether the insured has met with the accident in the exercise, or on account of the exercise, of his trade.

Demands of this nature are admitted only if they are presented within a year from the date of the accident.

ART. 14. The person insured who is admitted to the anticipatory enjoyment of his pension is required to prove, whenever he is asked, and at least once a year, whether he is still in the same condition to which the enjoyment of his pension is subordinated.

ART. 15. The sum of 25 francs ($5) will be paid by the bank for the funeral expenses of insured persons whose indigence is proved, and who die after beginning to draw their pensions.

For that purpose there will be created a reserve fund by means of a tax either on the costs of administration or on the excess of revenue proceeding from investments.

ART. 16. An indemnity to be fixed by the council of administration of the general savings and pension bank may be allowed to the receivers of direct taxes, in proportion to the operations which they may have effected during the year.

ROYAL DECREE OF 10TH FEBRUARY, 1890.

[Fixing the rates of immediate life annuities.]

ART. 1. Interest is fixed at 3 per cent. The chances of mortality are calculated according to the table of mortality of 1846 prepared by M. Quetelet.

The expenses of administration are established on the footing of 3 per cent.

ART. 2. Operations in this category are to be carried on only by deposits corresponding to the acquisition of an annuity of at least 12 francs ($2.40).

ART. 3. The insured is to make known his residence and the office where he desires to draw his interest.

ART. 4. Immediate life annuities begin from the 1st of the month following the date of the deposit.

ART. 5. The dispositions of articles 5, 6, 8, 10, 15, and 16 of the royal decree of 21st June, 1868, are applicable to the operations effected by virtue of the present decree.

ROYAL DECREE OF 25TH OCTOBER, 1890.

ART. 1. The tax collectors, subcollectors, depot agents, and letter carriers receive from the public payments for the pension Bank.

The tax collectors, as well as the subcollectors, are also charged with the payment of the accrued interest and of the indemnities for funeral expenses, as well as with the eventual reimbursement of the capital sums.

The intervention of the post-office agents in these different operations takes place according to rules to be determined by the minister of railroads, post-offices, and telegraphs, in common accord with the minister of finance and with the council of administration of the general savings and pension Bank.

ART. 2. The public may make use of ordinary postage stamps of 5 and 10 centimes (1 and 2 cents) for the payment of 1 franc (20 cents) into the pension bank.

ART. 3. The payments made to the pension bank, in post-offices, are inscribed on the deposit books by means of coupon receipts, issued for that purpose by the post-office administration. These coupons are pasted in the deposit book by the post-office official, who affixes his signature and the date.

The coupons showing the first payment are pasted by the administration of the general savings and pension bank.

ART. 4. The amount of the security corresponding to each of these deposits is brought to the knowledge of the person insured by a receipt sent to him, at latest, in the course of the following month. The depositors are required to demand this receipt, in case of failure, from the director-general of the bank.

In the course of each year the deposit books are called in for verification and for writing in them the amount of deposits of securities acquired, and of capital reserved to the account of the heirs of the person entitled to it.

ART. 5. At the time of the acquisition of an immediate annuity the Bank administration delivers to the person insured a memorandum of the securities, on which is to be entered the payment of the accrued interest.

At the time of entering on the enjoyment of a deferred annuity the deposit book is replaced by a memorandum of securities.

The recall of these memorandums for verification is also made every year after the inscription of the June accrued interest.

ART. 6. One month, at least, before the beginning to draw the deferred annuity, every insured person must transmit his deposit book to the director-general of the Bank with an indication of the office at which he desires to receive payment of his accrued interests.

Receipts for accrued interests paid to annuitants living abroad must be supported by certificates of being alive, established in the form usual in this country.

ROYAL DECREE OF 4TH SEPTEMBER, 1896.

ART. 1. The minimum of deferred annual payments is fixed at 1 franc (20 cents).

ART. 2. The deferred annuities may be acquired either by a complete deposit or by partial deposits. The complete deposit is applied to the acquisition of a security paying at least 1 franc a year. The partial deposits must be at least a franc, and must not include centimes (fifths of a cent).

The Bank administration determines, according to the tables, the amount of interest belonging to each deposit.

If at the time fixed for beginning to draw the interest the partial deposits do not, in bulk, produce an interest of at least 1 franc, the insured person is invited by the Bank administration to make up the necessary amount.

If he does not do so, his deposits, with interest, are reimbursed in conformity with article 53 of the law of 16th March, 1865.

ART. 3. The tariff annexed to the royal decree of 10th February, 1890, continues to serve as a basis for the acquisition of immediate annuities to the profit of persons not having passed the age of 65 years. Beyond 65 years and up to 75 years, inclusively, the rate fixed for the age of 65 years will be applied uniformly. Beyond 75 years and up to 80 years, inclusively, the rate of the tariff corresponding to the real age will be diminished by ten years. After 80 years the acquisition of annuities will be made at the rate corresponding to 70 years.

LAW OF 9TH AUGUST, 1897.

ONLY ARTICLE. Article 40 of the law of 16th March, 1865, as modified by that of 1st July, 1869, is replaced by the following dispositions:

"Every person aged over 18 years may make deposits in the pension bank, either on his own account or in the name of third persons aged at least 6 years.

"The Government may, within the limits and on the conditions which will be determined, authorize deposits in favor of third parties aged at least 6 years."

INSURANCE BY THE GOVERNMENT.

LAWS AND DECREES CONCERNING THE SERVICE OF THE GOVERNMENT INSURANCE BANK.

CREATING AN INSURANCE BANK, ANNEXED TO THE PENSION BANK UNDER THE GUARANTY OF THE STATE.

ART. 1. The following dispositions are inserted as an addition to article 60 of the law of 15th March, 1865:

An insurance Bank is annexed to the pension Bank.

It insures for life capitals to an amount not exceeding 5,000 francs ($1,000) to one person.

The premiums may be paid all at once or yearly.

It may be stipulated that the sum insured will be, at the falling due of the contract, deposited in the pension Bank, and employed in the acquisition of securities to the profit of the beneficiary or beneficiaries.

The general conditions, as well as the rates of these insurances, are fixed by the general council, subject to the royal sanction.

The royal decrees give the mortality table, the rate of interest, and the expenses that have served in the making out of the tariffs.

ART. 2. In case of the absence of heirs, the capital sums which are reimbursable under the terms of articles 51, 53, and 60 belong to the Bank. The Bank may also acquire them by right if the reimbursements have not been claimed within fifteen years from the time when they might be claimed.

ART. 3. The sixty-third article is completed as follows:

"Securities of Belgian companies that have, for five consecutive years at least, met all their obligations by means of their ordinary resources."

[This applies to the investment of funds by the pension Bank.]

ROYAL DECREE OF 16TH JUNE, 1896.

[This decree approves and confirms a deliberation of the general council of the savings and pension Bank as to rates and conditions, as follows:]

ART. 5. The person who concludes an insurance contract with the insurance bank is designated "a taker of insurance."

The person on whose head the insurance rests is qualified as the "insured."

The person or persons for whose benefit the insurance is concluded are qualified as "beneficiaries."

The taker of insurance, and eventually the person to be insured, sign together—each so far as concerns him—a declaration showing—

The names, Christian names, and business, and the place and date of birth of the person to be insured.

The annual premium.

The taker of insurance and the beneficiary or beneficiaries.

The declaration must also furnish all the indications required by the Bank administration to permit it to estimate the risk.

Besides this declaration the Bank requires the production of a certificate, with the signature certified, emanating from a doctor designated by the director-general.

The Bank may require the production of a supplementary certificate.

The costs of medical proof are at the expense of the taker of the insurance. The form of the certificate is fixed by the Bank administration.

ART. 7. The declaration and medical certificate constitute the proposition which decides the Bank in accepting or refusing the insurance. These documents serve as a basis to the insurance, and are an integral part of the contract. In case of refusal of insurance the Bank is not bound to give a reason for its decision.

ART. 8. The contract goes into effect only after the payment of the first premium. It begins on the first of the month in which the payment is made. Every new year of insurance begins on the anniversary first of the month of the payment. The premium is payable in the course of the anniversary month, and its payment is required by the very fact of the insured being alive at the time when it falls due.

ART. 9. The director-general of the Bank must be notified of every change of occupation or profession which is of a nature to expose the life or the health of the insured to a degree exceeding that which

resulted from the business indicated in the proposition. He must also be notified of any change of residence of the insured outside of Europe.

The council of administration may decide in such cases that there is a reason for the annulment of the contract. The beneficiary has a right to the reimbursement of the value of the redemption determined as stipulated in the following paragraph:

ART. 10. The contract may be annulled by the bank without previous notice:

A. If in the proposition of insurance or in the various documents which make an integral part of the contract, and on the faith of which the insurance has been concluded or put in force, there has been made by the taker of the insurance or by the insured false declarations even in good faith, or reticences of a nature to diminish the appreciation of the risk or to modify its character.

B. If the Bank has not been satisfied with the obligation required by article 9.

C. In case of suicide or of death resulting from habitual excesses of drink.

D. In the case provided for in article 41 of the insurance law of 11th June, 1874.

E. If the taker of insurance or the person who profits by the insurance has been the author of the death of the insured, or has brought to the health of the insured an attack of a nature to shorten his days.

The annulment of a contract is followed by the reimbursement of the premiums paid, without interest and with a deduction of 3 per cent.

ART. 11. The decease of the insured must be notified at an office open to the service of the savings bank within three months after the death. There must also be produced:

1. The police pass book.

2. A declaration stating the business of the insured at the time of his death.

3. A declaration on the form fixed by the bank, and at the disposal of the public in all the offices open to the service of the savings bank.

The bank administration remains free to require one or several supplementary declarations.

When it concerns a mixed insurance, the payment of the capital insured is subordinated (in case the insured is living at the time of the duration of the contract) to the simple restitution of the police pass book.

ART. 12. In the case of insurance contracted according to tariff 1, the insured capital is payable at the end of the year of insurance; still, the liquidation may be anticipated at a reduction according to the usual rules of discount calculated at the rate of 3 per cent per annum.

If the insurance is contracted according to tariff 2 the capital insured is payable in a bulk sum, as far as possible, within twenty days after the receipt of the document mentioned in article 11.

If the stipulation has been made on the proposition of insurance, the sum insured is, when the contract falls due, deposited as transferred capital in the pension bank and employed in the acquisition of Government securities to the profit of the benificiary or beneficiaries.

ART. 13. In case of the death of the insured caused by war or by a riot, the bank reimburses the redemption value increased by the twentieth part of the difference between the capital invested and this redemption value.

At the end of the term the bank divides between the beneficiaries of contracts extinguished through death caused by war or a riot, in proportion to the corresponding redemption values, eight-tenths of the benefits realized during the insurance term, but so that the portion attributed to each in this division, increased by the corresponding sum already reimbursed, does not exceed the capital insured.

ART. 14. The taker of insurence can not ask for a repayment of the redemption value of his policy unless he finds himself incapable of earning his living where his living depends on his work. In this case he will have to produce the following testimony:

1. The police pass book.

2. A declaration stating his name and Christian name and his residence, as well as the office where the payment of the redemption value should be made.

3. A certificate from the burgomaster stating what are his means of sustenance.

4. A certificate signed by two doctors of medicine or surgery, one selected by the burgomaster of the locality, the other by the director of the bank, which certificate will state the nature and gravity of the infirmities with which the person is attacked, whether these infirmities appear to be temporary or permanent, and whether as a result of them he is unable to provide for his subsistence by work.

The doctors' fees are charged to the taker of insurance.

ART. 15. Every insurance contract, with an annual premium, rests on the engagement made by the taker of insurance to pay a fixed annual premium of at least 10 francs paid in advance and in one sum.

If the insurance is contracted according to Tariff II, the taker of insurance in paying the fixed premium may, with a view to increase the capital insured, pay on this a sum of francs which must not exceed three times the fixed premium and which is considered as a single premium of an insurance of the same sort as the insurance with a fixed premium. This single premium is converted into an insured capital only two years after its deposit if the insured person is living at that time. In case of his death before the end of these two years the sum deposited as a single premium is repaid to the beneficiary with a deduction of 3 per cent.

No additional medical certificate is required for the deposit of a single premium.

Every deposit or fraction of a deposit the effect of which would be to raise the insured capital above 5,000 francs ($1,000) is repaid without interest.

ART. 16. In case of nonpayment of a fixed premium in the month in which it falls due the bank levies officially the amount of this premium on the sums deposited as single premiums and not yet converted into insured capital. If these sums do not equal the amount of the fixed premium, the policy is replaced by a new policy not calling for payment of a premium, and whose insured capital, calculated by the rules indicated below, may be exacted on the same conditions as the original policy.

These rules are as follows:

The capital originally insured, corresponding to the fixed premiums, is reduced as follows:

A. If it concerns a mixed insurance, in the proportion of the number of premiums paid to the number of premiums stipulated in the contract.

B. If it concerns an entire life insurance, the reduction takes place in the same proportion, but applied to the insured capital—previously diminished by 3 per cent.

Increases of insured capital, corresponding to single premiums, are not subject to reduction.

ART. 17. The following rules are applied to determine redemption value:

A. Mixed insurances: The redemption value of an insured capital corresponding to fixed premiums is obtained by first reducing the capital according to rule fixed by article 16, and in discounting the result for the period separating the date of payment of the last premium falling due from that fixed for the payment of capital in case of life insurance.

The redemption value of an insured capital corresponding to single premiums is obtained by applying to this capital the Tariff III at the present age of the insured person, minus two years.

B. Life insurances solely: If there remain any fixed premiums to be paid the redemption value of the insured capital corresponding to the fixed premiums is found by multiplying the reduced capital—obtained by the application of the rule stipulated in article 16—by a coefficient determined by the formula $0.360 + 0.007\ (x-21)$, in which x represents the age of the insured person on his next birthday.

If there remain no more fixed premiums to be paid the coefficient is applied to the insured capital.

It is applied also to the insured capital corresponding to the single premiums.

In case of repayment of the redemption values of insured capital, the single premiums not yet converted into insured capital are repaid, with a deduction of 3 per cent.

ART. 18. If the beneficiary of a policy which is reduced by application of the stipulations of article 16 asks, during the five months following the month in which the fixed premium falls due, to have the contract in its original conditions put into effect, he must produce a new declaration and pay for the medical certificates which are asked for to prove the present state of health of the insured person; he pays the premiums in arrears, increased by the suspended interests, at 3 per cent a year.

The decision to be reached depends entirely on the council of administration, which is not called on to explain it.

ART. 19. The bank may exempt from medical examination the members of a recognized mutual aid society affiliated all together in view of an entire life insurance, with the exceptions resulting from age conditions fixed by the tariffs, in virtue of a regulation or a statute. In this case the minimum fixed by article 15 for the temporary and life annual premium may be lowered to 1 franc, and the insured capital can not exceed 100 francs ($20).

ART. 20. Every five years the council-general of the general bank, on the proposition of the council of administration, may decide to distribute among the takers of insurance all or a part of the difference between the amount of the reserve fund of the insurance bank and the tenth of the mathematical reserve kept for current risks.

This distribution will apply to the contracts in operation for at least five years, and will be effected in proportion to the amount of fixed annual premiums.

TARIFF I.

Tariff of capitals insured by a fixed annual premium of 10 francs ($2).

[Mixed insurance. The insured capital is payable at the end of the contract or at the end of the insurance year in which the death of the insured takes place, if the latter dies before the expiration of the contract. Interests, 3 per cent; English life table No. 3 (males); registration, 3 per cent.]

[Francs changed to dollars.]

Age on his next anniversary at the time of payment of the first premium.	Duration of the contract of mixed insurance.			
	10 years.	15 years.	20 years.	25 years.
21 years	$21.78	$33.96	$46.69	$59.60
22 years	21.76	33.91	46.56	59.37
23 years	21.74	33.84	46.46	59.03
24 years	21.72	33.78	46.29	58.83
25 years	21.69	33.72	46.15	58.55
26 years	21.67	33.65	46.00	58.26
27 years	21.65	33.58	45.81	57.96
28 years	21.62	33.50	45.67	57.64
29 years	21.59	33.63	45.49	57.29
30 years	21.57	33.34	45.31	56.93
31 years	21.54	33.25	45.10	56.55
32 years	21.51	33.16	44.89	56.14
33 years	21.47	33.06	44.67	55.70
34 years	21.44	32.95	44.42	55.24
35 years	21.40	32.83	44.15	54.75
36 years	21.35	32.71	43.88	54.23
37 years	21.31	32.58	43.58	53.68
38 years	21.26	32.43	43.26	53.10
39 years	21.21	32.28	42.92	52.47
40 years	21.15	32.12	42.57	51.82
41 years	21.09	31.94	42.19	.....
42 years	21.03	31.75	41.77	.....
43 years	20.96	31.55	41.34	.....
44 years	20.88	31.33	40.89	.....
45 years	20.80	31.10	40.40	.....
46 years	20.72	30.85	.....	.....
47 years	20.62	30.59	.....	.....
48 years	20.52	30.26	.....	.....
49 years	20.40	30.00	.....	.....
50 years	20.28	29.67	.....	.....
51 years	20.15	.....	.....	.....
52 years	20.02	.....	.....	.....
53 years	19.88	.....	.....	.....
54 years	19.73	.....	.....	.....
55 years	19.57	.....	.....	.....

TARIFF II.

Tariff of capitals insured by a fixed annual premium of 10 francs ($2).

[The insured capital is payable immediately. Interests, 3 per cent; English life table No. 3 (males). Registration, 3 per cent.]

Age on his next anniversary at the time of payment of the first premium.	Contract of mixed insurance ending in—			Insurance contract the entire life, the life premiums to be payable at—		
	55 years.	60 years.	65 years.	55 years.	60 years.	65 years.
21 years	$80.52	$91.10	$99.94	$99.64	$105.12	$109.16
22 years	77.69	88.26	97.13	96.56	102.16	106.30
23 years	74.89	85.47	94.35	93.50	99.24	103.47
24 years	72.12	82.69	91.60	90.46	96.33	100.65
25 years	69.38	79.95	88.88	87.44	93.45	97.88
26 years	66.66	77.23	86.19	84.43	90.58	95.12
27 years	63.98	74.54	83.52	81.43	87.73	92.37
28 years	61.32	71.88	80.87	78.45	84.89	89.65
29 years	58.69	69.24	78.24	75.48	82.07	86.94
30 years	56.09	66.62	75.64	72.51	79.27	84.26
31 years	53.52	64.03	73.07	69.56	76.48	81.59
32 years	50.97	61.46	70.52	66.62	73.71	78.94
33 years	48.55	58.93	67.99	63.69	70.95	76.30
34 years	45.96	56.42	65.49	60.77	68.21	73.96
35 years	43.50	53.94	63.01	57.86	65.48	71.10
36 years	41.07	51.48	60.57	54.98	62.78	68.53
37 years	38.67	49.05	58.14	52.08	68.08	65.98
38 years	36.30	46.65	55.75	49.20	57.40	63.46
39 years	33.97	44.28	53.39	46.33	54.75	60.96
40 years	31.64	41.94	51.05	43.47	52.11	58.48
41 years	29.36	39.62	48.74	40.62	49.48	56.02
42 years	27.10	37.33	46.47	37.78	46.88	53.59
43 years	24.87	35.08	44.22	34.94	44.28	51.18
44 years	22.67	32.84	42.00	32.10	41.70	48.79
45 years	20.50	30.64	39.80	29.26	39.14	46.42
46 years	.....	28.46	37.64	.....	36.58	44.08
47 years	.....	26.31	35.50	.....	34.04	41.75
48 years	.....	24.18	33.39	.....	31.50	39.43
49 years	.....	22.07	31.30	.....	28.96	37.15
50 years	.....	19.98	29.23	.....	26.42	34.88
51 years	.....	.....	27.19	.....	.....	32.61
52 years	.....	.....	25.18	.....	.....	30.38
53 years	.....	.....	23.20	.....	.....	28.15
54 years	.....	.....	21.23	.....	.....	25.74
55 years	.....	.....	19.28	.....	.....	23.72

TARIFF III.

Tariff of capitals insured by a single premium of 10 francs ($2), the insurance only beginning two years after the payment of the premium.

[The insured capital is payable on the conditions fixed in Tariff II. Interests, 3 per cent; English life table No. 3 (males). Registration, 3 per cent.]

Age on his next anniversary at the time of payment of the premium.	Mixed insurance contract ending at—			Insurance contract, entire life.
	55 years.	60 years.	65 years.	
21 years	$4.34	$4.67	$4.95	$5.42
22 years	4.26	4.59	4.86	5.34
23 years	4.17	4.50	4.78	5.26
24 years	4.09	4.42	4.69	5.18
25 years	4.01	4.33	4.61	5.10
26 years	3.93	4.25	4.53	5.02
27 years	3.84	4.17	4.45	4.94
28 years	3.76	4.09	4.37	4.87
29 years	3.68	4.01	4.29	4.79
30 years	3.61	3.93	4.21	4.71
31 years	3.53	3.85	4.13	4.64
32 years	3.45	3.77	4.05	4.56
33 years	3.37	3.70	3.98	4.49
34 years	3.30	3.62	3.90	4.41
35 years	3.23	3.55	3.83	4.34
36 years	3.15	3.47	3.75	4.27
37 years	3.08	3.40	3.68	4.20
38 years	3.01	3.33	3.61	4.13
39 years	2.94	3.25	3.54	4.06
40 years	2.87	3.18	3.47	4.00
41 years	2.80	3.11	3.40	3.93
42 years	2.73	3.05	3.33	3.87
43 years	2.66	2.98	3.26	3.80
44 years	2.60	2.91	3.19	3.74
45 years	2.53	2.84	3.13	3.68
46 years	2.47	2.78	3.06	3.62
47 years	2.40	2.71	2.99	3.56
48 years	2.34	2.65	2.93	3.50
49 years	2.28	2.58	2.87	3.44
50 years	2.21	2.52	2.81	3.39
51 years	.....	2.46	2.75	3.32
52 years	.....	2.40	2.69	3.28
53 years	.....	2.34	2.63	3.23
54 years	.....	2.27	2.57	3.18
55 years	.....	2.21	2.51	3.13
56 years	.....	.....	2.45	3.08
57 years	.....	.....	2.39	3.03
58 years	.....	.....	2.33	2.99
59 years	.....	.....	2.27	2.94
60 years	.....	.....	2.21	2.90
61 years	.....	.....	.....	2.86
62 years	.....	.....	.....	2.82
63 years	.....	.....	.....	2.78
64 years	.....	.....	.....	2.74

EXTRACTS FROM THE REPORTS PUBLISHED BY THE MINISTRY OF RAILROADS, POSTS, AND TELEGRAPHS, FOR THE FISCAL YEARS 1892 TO 1896, INCLUSIVE.

G. SAVINGS AND PENSION BANK.

Fiscal year 1892.

The considerable development previously attained by the operations accomplished for the account of the savings bank in the post-offices has still sensibly increased in 1892, as results from the following tables:

[Increase, +; decrease, —.]

	Deposits.		Reimbursements.		Pass books out on Dec. 31.	
	Number.	Amount.	Number.	Amount.	Number.	Amount.
In 1892	1,169,349	$19,098,096	340,388	$15,469,947	635,378	$44,952,244
In 1891	1,116,597	17,963,517	290,862	13,564,955	572,369	41,106,660
Differences in 1892	+52,752	+1,134,579	+49,526	+1,904,992	+63,009	+3,845,584
Or per cent	+ 4.72	+ 6.30	+ 17.03	+ 14.04	+ 11.01	+ 9.36

	Purchase of public funds.		Sale of public funds.		Annuity books out on Dec. 31.	
	Number.	Amount.	Number.	Amount.	Number.	Nominal value.
In 1892	5,691	$2,924,643	2,365	$1,235,571	12,178	$9,611,080
In 1891	7,546	4,137,806	1,359	688,525	10,228	8,012,980
Differences in 1892	—1,855	—1,213,163	+1,006	+547,046	+1,950	+1,598,100
Or per cent	—24.58	— 29.32	+74.03	+ 79.45	+19.07	+ 19.94

The operations effected on account of the pension Bank have also progressed in an agreeable manner.

It is thus that the deposits have numbered: In 1892, 17,829, against 8,618 in 1891. They have reached for the same period the sum of 405,780 francs ($81,156) as against 311,691 francs ($62,338) during the preceding fiscal year.

On the other side, the number of annuity payments has risen to 6,506 and their amount to 282,701 francs ($56,540), figures respectively higher than those of 1891 by 2,429, and by 106,472 francs ($21,294).

Besides that there has been effected by the post-office in 1892, 155 reimbursements of capital and 15 payments for funeral expenses.

For the other details see the report published by the general administration of the savings and pension bank.

Fiscal year 1893.

As is shown by the subjoined figures, the operations effected by the post-offices on account of the savings bank continue to show a very marked increase.

	Deposits.		Reimbursements.		Pass books out on Dec. 31.	
	Number.	Amount.	Number.	Amount.	Number.	Amount.
In 1893	1,312,693	$21,685,281	361,789	$15,520,771	715,470	$51,617,663
In 1892	1,169,349	19,098,097	340,388	15,469,948	635,378	44,952,245
Differences in 1893	+143,346	+2,587,184	+21,401	+50,823	+80,092	+6,665,418
Or per cent	+ 12.26	+ 13.54	+ 6.29	+ .32	+ 12.61	+ 14.83

	Purchase of public funds.		Sale of public funds.		Annuity books out on Dec. 31.	
	Number.	Amount.	Number.	Amount.	Number.	Nominal value.
In 1893	5,384	$2,905,237	2,739	$1,480,240	13,389	$10,815,780
In 1892	5,691	2,924,643	2,365	1,235,571	12,178	9,611,080
Differences in 1893	— 307	— 19,406	+ 374	+244,669	+1,211	+1,204,700
Or per cent	—5.39	— .66	+15.81	+ 19.80	+ 9.94	+ 12.53

The service of the pension bank has also sensibly developed. The movement of operations accomplished in that respect is shown by the following figures:

	Deposits.		Payment of annuities.		Reimbursements of capital.		Payment of funeral expenses.	
	Number.	Amount.	Number.	Amount.	Number.	Amount.	Num r.	Amount.
In 1893	27,682	$105,279	7,753	$68,824	162	$4,349	21	$105
In 1892	17,829	81,157	6,306	56,540	155	6,743	15	75
Differences in 1893	+9,853	+24,222	+1,447	+12,284	+ 7	—2,394	+ 6	+30
Or per cent	+55.26	+ 29.84	+22.95	+ 21.73	+4.52	—35.50	+40	+40

More detailed information is given in the report published by the general administration of the savings and pension bank.

Fiscal year 1894.

The postal service of the general savings and pension bank continues to be sensibly increased, as is shown by the subjoined tables, which sum up the various operations accomplished.

SAVINGS BANK.

	Deposits.		Reimbursements.		Pass books out on Dec. 31.	
	Number.	Amount.	Number.	Amount.	Number.	Amount.
In 1894	1,527,654	$23,629,079	408,120	$17,245,487	798,174	$57,895,949
In 1893	1,312,695	21,685,281	361,789	15,520,770	715,470	51,617,663
Differences in 1894	+214,959	+1,943,798	+46,331	+1,724,717	+82,704	+6,278,286
Or per cent	+ 16.38	+ 8.96	+ 12.81	+ 11.11	+ 11.56	+ 12.16

	Purchase of public funds.		Sale of public lands.		Annuity books out on Dec. 31.	
	Number.	Amount.	Number.	Amount.	Number.	Nominal value.
In 1894	6,982	$3,730,133	3,116	$1,652,312	15,278	$12,545,820
In 1893	5,384	2,905,237	2,739	1,480,240	13,389	10,815,780
Differences in 1894	+1,598	+824,896	+ 377	+172,072	+1,889	+1,730,040
Or per cent	+29.68	+ 28.39	+13.76	+ 11.62	+14.11	+ 16

PENSION BANK.

	Deposits.		Payment of annuities.		Reimbursement of capital.		Payment of funeral expenses.	
	Number.	Amount.	Number.	Amount.	Number.	Amount.	Number.	Amount.
In 1894	35,317	$127,974	9,247	$81,438	229	$3,503	14	$70
In 1893	27,682	105,379	7,753	68,824	162	4,349	21	105
Differences in 1894	+7,635	+22,595	+1,494	+12,614	+ 67	— 846	— 7	— 35
Or per cent	+27.58	+ 21.44	+19.27	+ 18.33	+41.36	—19.48	—33.33	—33.33

More detailed information is given in the report published by the general administration of the savings and pension bank.

Fiscal year 1895.

The postal service of the general saving and pension bank continues to progress, as is demonstrated by the subjoined tables, which résumé the various operations accomplished in the course of the fiscal years 1894 and 1895.

SAVINGS BANK.

	Deposits.		Reimbursements.		Pass books out on Dec. 31.	
	Number.	Amount.	Number.	Amount.	Number.	Amount.
In 1895	1,621,301	$24,802,720	458,154	$19,437,970	882,370	$63,693,275
In 1894	1,527,654	23,629,080	408,120	17,245,487	798,174	57,895,948
Differences in 1895	+93,647	+1,173,640	+50,034	+2,192,483	+84,196	+5,797,327
Or per cent	+ 6.13	+ 4.97	+ 12.26	+ 12.71	+ 10.55	+ 10.01

	Purchase of public funds.		Sale of public funds.		Annuity books out on Dec. 31.	
	Number.	Amount.	Number.	Amount.	Number.	Nominal value.
In 1895	7,604	$3,820,155	3,629	$2,112,829	17,221	$14,029,960
In 1894	6,982	3,730,133	3,116	1,652,312	15,278	12,545,820
Differences in 1895	+ 622	+90,022	+ 513	+460,517	+1,943	+1,484,140
Or per cent	+8.91	+ 2.41	+16.46	+ 27.87	+12.72	+ 11.83

PENSION BANK.

	Deposits.		Payment of annuities.		Reimbursements of capital.		Payment of funeral expenses.	
	Number.	Amount.	Number.	Amount.	Number.	Amount.	Number.	Amount.
In 1895	47,072	$155,607	10,471	$95,798	245	$7,524	17	$85
In 1894	35,317	127,974	9,247	81,438	229	3,503	14	70
Differences in 1895	+11,755	+27,633	+1,224	+14,360	+ 16	+ 4,021	+ 3	+ 15
Or per cent	+ 33.28	+ 21.59	+13.24	+ 17.63	+6.99	+114.81	+21.43	+21.43

More detailed information is given in the report published by the general administration of the savings and pension Bank.

Fiscal year 1896.

The postal service of the general savings and pension Bank continues to progress, as is demonstrated by the subjoined tables, which sum up the various operations accomplished in the course of the fiscal years 1895 and 1896.

SAVINGS BANK.

	Deposits.		Reimbursements.		Pass books out on Dec. 31.	
	Number.	Amount.	Number.	Amount.	Number.	Amount.
In 1896	1,851,611	$26,622,256	500,729	$20,620,985	968,486	$69,454,903
In 1895	1,621,301	24,802,719	458,154	19,437,969	882,370	63,693,275
Differences in 1896	+230,310	+1,819,537	+42,575	+1,183,016	+86,111	+5,761,628
Or per cent	+ 14.20	+ 7.34	+ 9.29	+ 6.09	+ 9.76	+ 9.05

	Purchase of public funds.		Sale of public funds.		Annuity books out on Dec. 31.	
	Number.	Amount.	Number.	Amount.	Number.	Nominal value.
In 1896	9,359	$4,387,932	3,989	$2,179,020	19,869	$16,097,980
In 1895	7,604	3,820,155	3,629	2,112,829	17,221	14,029,960
Differences in 1896	+1,755	+567,777	+ 360	+66,191	+2,648	+2,068,020
Or per cent	+23.08	+ 14.86	+9.92	+ 3.13	+15.38	+ 14.74

PENSION BANK.

	Deposits.		Payment of annuities.		Reimbursements of capital.		Payment of funeral expenses.	
	Number.	Amount.	Number.	Amount.	Number.	Amount.	Number.	Amount.
In 1896	65,937	$171,691	12,119	$111,625	255	$7,472	23	$115
In 1895	47,072	155,607	10,471	95,798	245	7,524	17	85
Differences in 1896	+18,865	+16,084	+1,648	+15,827	+ 10	— 52	+ 6	+ 30
Or per cent	+ 40.08	+ 10.34	+15.74	+ 16.52	+4.08	—0.69	+35.29	+35.29

More detailed information is given in the report published by the general administration of savings and pension banks.

DOMINION OF CANADA.

Mr. Turner to Mr. Day.

CONSULATE-GENERAL, UNITED STATES OF AMERICA,
Ottawa, December 3, 1897.

SIR: Referring to Department's circular of July 17, 1897, concerning postal telegraphs, telephones, and savings banks, I beg to submit the following in reference to postal savings banks.

In response to paragraph 1, I inclose under separate cover copies in duplicate of the post-office act, and direct your attention to sections 65 to 77 inclusive, which covers the subject.

Figures covering the information asked for in paragraphs 2 and 6 will be found on sheets marked "Inclosure No. 2."

PAR. 3. The rate of interest originally paid was 4 per cent; in October, 1889, this was reduced to 3½ per cent, and on July 1, 1897, to 3 per cent.

PAR. 4. The only limit placed upon the amount of deposits is that no depositor shall deposit more than $1,000 in any one year, and no depositor's account shall exceed $3,000.

PAR. 5. Deposits are received for any period. That is, a deposit can be made to-day and withdrawn to-morrow if desired.

PAR. 7. Certificates of deposit are not transferable.

PAR. 8. Certificates of deposit are not convertible into Government bonds.

In addition to the above I inclose specimen copies of pass books used by depositors, form of receipt sent to depositors when deposits are made either at office where account was originally opened or at another office, and copies of instructions to postmasters at offices that transact postal savings bank business.

In reference to postal telegraphs, the Canadian Government has nothing of the sort. It has, however, two or three telegraph lines, one of which, along the north shore of the St. Lawrence River toward its mouth, was built for the purpose of reporting the movement of the ice, and was then extended to the coast for the purpose of reporting movement of fish and any information that would be of service to the river pilots.

The settlers along the line have the privilege of its use at very high rates. The Government has also built one or two lines in the northwest for the purpose of assisting in the development of the country. These lines are not in any sense a commercial venture, but the idea is, that where the country is settling up and a telegraph line would be an assistance to or an inducement to intending settlers, the Government furnishes the service at a very high rate, until such time as the increase in population would justify one of the commercial telegraph companies in building into the district. The Government then abandons its lines.

In view of the fact that such lines are of a temporary nature and the rates such that they would be of no value whatever, I conclude that further information on this point would be unnecessary.

I have, etc.,

CHARLES E. TURNER,
Consul-General.

Statement of the business of the Post-Office Savings Bank, Canada, year by year, from April 1, 1868, to June 30, 1897.

Period.	Post-office savings banks at close of period.	Deposits received during period.	Total deposits received during period.	Average of each deposit received during period.	Depositors' accounts transferred from Dominion Government Savings Bank during period.	Withdrawals during period.	Total withdrawn during period.	Average of each withdrawal during period.	Accounts opened during period.	Depositors' accounts transferred from Dominion Government Savings Bank during period.	Accounts closed during period.	Accounts remaining open at close of period.	Interest allowed to depositors.	Total standing to the credit of all open accounts, inclusive of interest allowed, at close of period.	Average standing to credit of each open account at close of period.
Three months ended June 30, 1868	81	3,247	$212,507	$65.44	.....	166	$8,857.48	$53.35	2,146	.....	44	2,102	$989.37	$204,588.89	$97.33
Year ended June 30—															
1869	213	16,653	927,885	55.71	.....	4,787	296,754.35	61.99	6,429	.....	1,319	7,212	21,094.72	856,814.26	118.80
1870	226	24,994	1,347,901	53.93	.....	9,478	664,555.51	70.11	7,823	.....	2,857	12,178	48,669.08	1,588,848.83	130.41
1871	230	33,256	1,917,576	57.66	.....	15,148	1,093,438.86	72.10	9,424	.....	4,449	17,153	84,273.68	2,497,259.65	145.59
1872	235	39,489	2,261,631	57.27	.....	20,154	1,778,505.19	81.33	10,846	.....	6,940	21,059	116,174.55	3,096,500.01	147.04
1873	239	44,413	2,306,918	51.94	.....	23,800	2,323,299.32	86.91	11,995	.....	9,528	23,526	126,932.88	3,207,051.57	136.32
1874	266	45,329	2,340,284	51.63	.....	25,814	2,468,643.42	86.04	12,048	.....	10,606	24,968	126,273.31	3,204,965.46	128.36
1875	268	42,508	1,942,346	45.69	.....	25,954	2,341,979.04	82.88	10,516	.....	11,190	24,294	120,758.06	2,926,090.48	120.44
1876	279	38,647	1,726,204	44.66	.....	24,152	2,021,457.97	77.11	10,218	.....	10,097	24,415	110,116.08	2,740,952.59	112.27
1877	287	36,126	1,521,000	42.10	.....	22,484	1,726,082.98	70.49	8,971	.....	9,312	24,074	104,067.86	2,639,937.47	109.60
1878	295	40,097	1,724,371	43.00	.....	21,944	1,713,658.73	70.55	10,058	.....	8,597	25,535	103,834.29	2,754,484.03	107.87
1879	297	43,349	1,973,243	45.52	.....	23,226	1,733,448.79	66.07	10,755	.....	8,845	27,445	110,912.56	3,105,190.80	113.10
1880	297	56,031	2,720,216	48.55	.....	26,716	2,015,813.16	69.89	14,407	.....	10,487	31,365	126,075.47	3,945,669.11	125.80
1881	304	71,747	4,175,042	58.19	.....	28,510	2,097,389.15	73.56	18,731	.....	10,491	39,605	184,904.81	6,208,226.77	156.75
1882	308	97,380	6,435,989	66.09	.....	35,859	3,461,619.31	96.53	25,778	.....	13,920	51,463	291,065.07	9,473,661.53	184.08
1883	330	109,489	6,826,266	62.35	.....	45,253	4,730,995.39	104.54	27,127	.....	17,531	61,059	407,305.17	11,976,237.31	196.13
1884	343	109,388	6,441,439	58.88	.....	56,026	5,649,611.13	100.84	26,562	.....	20,939	66,682	477,487.46	13,245,552.64	198.63
1885	355	116,576	7,098,459	60.89	.....	59,714	5,793,031.84	97.01	27,591	.....	20,951	73,322	539,560.51	15,090,540.31	205.81
1886	392	126,322	7,645,227	60.52	.....	62,205	6,183,470.60	99.40	29,103	.....	21,555	80,870	607,075.38	17,159,372.09	212.18
1887	415	143,076	8,272,041	57.81	.....	65,853	6,626,067.51	100.62	31,874	.....	22,585	90,159	692,404.57	19,497,750.15	216.26
1888	433	155,978	7,722,330	49.51	$217,385.10	78,229	7,514,071.78	96.05	37,515	723	26,704	101,693	765,639.15	20,689,032.62	203.44
1889	463	166,235	7,926,634	47.67	1,085,979.72	84,572	7,532,145.56	89.06	38,049	2,962	29,581	113,123	841,921.79	23,011,422.57	203.41
1890	494	154,678	6,599,896	42.67	167,501.53	90,151	8,575,041.98	95.12	32,127	570	33,499	112,321	786,875.37	21,990,653.49	195.78
1891	634	147,672	6,500,372	44.02	889,169.28	84,963	7,875,977.57	92.67	29,791	1,124	32,006	111,230	734,430.89	21,738,648.09	195.44
1892	642	145,423	7,056,002	48.52	.....	77,381	7,230,839.14	93.44	28,943	.....	29,368	110,805	734,590.70	22,298,401.65	201.24
1893	673	148,868	7,708,888	51.78	.....	73,361	6,631,578.97	90.39	29,502	.....	26,032	114,275	777,482.98	24,153,193.66	211.36
1894	699	145,960	7,524,286	51.55	218,173.60	84,941	7,473,585.46	87.98	29,116	662	27,033	117,020	835,800.34	25,257,868.14	215.84
1895	731	143,685	7,488,028	52.11	493,889.23	85,588	7,310,291.97	85.41	27,998	1,647	26,037	120,628	876,049.07	26,805,542.47	222.22
1896	755	155,398	8,138,947	52.37	449,981.61	87,221	7,406,066.13	84.91	30,100	1,959	26,245	126,442	944,524.73	28,932,929.68	228.82
1897	779	161,151	8,223,000	51.02	1,856,474.31	91,398	7,656,086.64	83.76	30,236	5,722	26,668	135,737	1,024,511.74	32,380,829.09	238.55

SAVINGS BANK BRANCH, POST-OFFICE DEPARTMENT, *Ottawa, July, 1897.*

DAVID MATHESON, *Superintendent.*

CAPE COLONY.

Mr. Knight to Mr. Day.

UNITED STATES CONSULATE,
Cape Town, November 17, 1897.

SIR: I have the honor, by desire of Consul Roberts, who is now absent at Zanzibar on official business, to hand you herewith the information called for in your circular dated July 17, 1897, re postal telegraphs, telephones, and postal savings banks of the Cape Colony.

I have, etc.,

C. H. KNIGHT, *Deputy Consul.*

Report on postal telegraphs, telephones, and postal savings banks of the Cape Colony, in reply to circular of William R. Day, Acting Secretary of State, and dated Washington, July 17, 1897.

1. Copies of all existing laws as to postal telegraphs, telephones, and postal savings banks?

See Inclosures Nos. 1, 2, and 3.

2. The annual aggregate amounts of deposits in postal savings banks, as shown by official reports for each year since the establishment of the system?

[Pounds sterling changed into dollars.]

1884	$623,445
1885	1,008,028
1886	1,121,087
1887	1,071,946
1888	1,293,381
1889	1,472,184
1890 (one-half year)	1,201,140
1890-91	4,673,741
1891-92	4,244,860
1892-93	4,343,391
1893-94	4,161,236
1894-95	4,203,950
1895-96	5,022,340
1896-97	6,729,498

3. What is the rate of interest paid to depositors?

January 1, 1884, 3¾ per cent; July 1, 1894, 3⅓ per cent; January 1, 1897, 3 per cent.

4. What limits, if any, are placed upon the amounts received on deposit?

Deposits made by a depositor must not exceed £100 ($500) per year, ending 30th June; and the total amount standing to his credit must not exceed £500 ($2,500), exclusive of interest. When principal and interest together reach £600 ($3,000) all interest will cease, so long as the account continues to amount to £600 ($3,000).

Trust funds and friendly societies accounts, opened previous to September 1, 1896, may deposit without limit. Those opened after that date are limited to £2,000 ($10,000).

5. What is the shortest period for which deposits are received?

No stated period.

6. What is the average amount of the individual deposits annually?

[Pounds sterling changed into dollars.]

1884	$35
1885	32
1886	36
1887	31
1888	32
1889	32
1890	44
1890-91	73
1891-92	64
1892-93	60
1893-94	51
1894-95	50
1895-96	52
1896-97	58

7. Are the certificates of deposits transferable; and, if so, under what regulations?

Not transferable.

8. Are the certificates of deposit convertible into Government bonds; and, if so, upon what terms?

No.

9. Does the Government own either the telegraphs or telephones of Cape Colony; and, if so, when and how did it acquire them?

The Government owns all the telegraphs and telephones in the Colony, with the exception of the telegraph lines belonging to the following railway companies:

	Miles.
Cape Central Railway Company	6
Indwe Railway Company	63
Kowie Railway Company	35

The telegraphs were acquired by purchase in the year 1873; but telephones were only started in the year 1880.

10. If the Government of Cape Colony purchased the lines of private telegraph or telephone companies, how was the price paid for the same determined? If by appraisers, how were they appointed?

The purchase price was simply negotiated between the Government and the Cape of Good Hope Telegraph Company, and the transfer sanctioned by Parliament.

11. If the telegraphs or telephones of Cape Colony have been purchased by the Government, what was the original cost of constructing them; and what price did the Government pay for the same?

The original cost of construction, including instruments, batteries, office furniture and fittings, together with six months' stores, cost the company £67,550 ($337,750).

The amount of purchase money paid by the Government was £41,123 13s. 5d. ($205,618).

12. What were the annual receipts and expenditures of the telegraphs and telephones under private management; and what have been the annual receipts and expenditures of the same under Government management?

As the company was a private one, no record of its receipts is available; but the Government, when negotiating the transfer, had an opportunity of examining the company's books.

13. At the time of the transfer of the telegraphs and the telephones of Cape Colony to the Government, how many offices and how many

miles of wire of each were in Cape Colony, and how many offices and miles of wire of each are there now?

Offices open at time of transfer	22
Offices open at present time	421
Miles of wire at transfer	945
Miles of line at transfer	945
Miles of telegraph line October 1, 1887	6,606½
Miles of telephone line October 1, 1887	152
Miles of telegraph wire October 1, 1887	17,675½
Miles of telephone wire October 1, 1887	745

14. How does the cost of the extensions of telegraphs or telephones which have been made by the Government of Cape Colony compare with the original cost of construction of the telegraphs or the telephones of Cape Colony by private companies?

Any information on this head would be misleading, as an approximation only could be arrived at. The class of material now used is totally different to that which was laid down by the company.

15. Does the Government of Cape Colony sell telegraphic and telephonic stamps for the convenience of the public in paying for the transmission of telegrams and telephonic messages; and if so, how many denominations of such stamps are issued?

Telegraphic or telephonic stamps are not issued. The telegraph service being amalgamated with the post-office, postage stamps are accepted to cover the prepayment of telegrams. The following denominations of postage stamps are issued: ½d., 1d., 2d., 2½d., 3d., 4d., 6d., 1s., and 5s. (1, 2, 4, 5, 6, 8, 12, and 25 cent, and $1.25).

16. What system has been adopted for accounting for the sale of telegraphic and telephonic stamps by the postal authorities, and for the cancellation of such stamps?

The value of postage stamps attached to telegraphic messages is deducted from general postal revenue after a proper audit has been gone through in the telegraph message branch. The stamps are canceled by date stamps, and each postage stamp must bear an impression of the date stamp.

17. To how many words is the ordinary telegraphic or telephonic message restricted, and what is the charge for such messages?

A telegram may consist of any number of words, but must contain at least one word in the address "from," and the name, or registered indicator, and address of the receiver. The charge for a telegram will be found in the reply to question 18.

18. What is the general internal tariff for private telegrams and telephonic messages as regulated by the number of words and distances?

The tariff for telegrams is as follows:

For ordinary telegrams in plain English, Dutch, or Portuguese, 1s. (25 cents) for ten words, and 6d. (12 cents) for every additional five or part of five words.

For cipher or code messages, 50 per cent in excess of the foregoing. By a cipher or code message is understood a message which has a veiled or hidden meaning, or one which is written in any language other than the three languages above mentioned.

For press telegrams, one-fourth of the ordinary rate, but with a minimum charge of 1s. (25 cents).

For cablegrams, a terminal or land rate of 2d. (4 cents) per word.

The above rates are applicable to messages passing in and between the following South African telegraph administrations:

The Colony of the Cape of Good Hope.

The Colony of Natal.

The Orange Free State.

The South African Republic, and the Portuguese District of Lourenço Marques (Delagoa Bay).

By the provisions of the South African Telegraph Convention, each colony or State keeps its own takings—that is, the Cape Colony retains the full cost of the transmission of a telegram to, say, Durban, in Natal, the Natal administration delivering the message free; and, similarly, Natal keeps the whole of the amount paid for the transmission of a message from one of its offices to any other office in the union. All accounting between administrations is therefore dispensed with.

The following telegraph administrations are also in existence in South Africa, but they have not yet joined the union:

Rhodesia (British South Africa Company).

The Beira Railway Company.

The African Transcontinental Telegraph Company.

The tariff on messages from union countries addressed to offices of the first two companies is as follows:

Ordinary or cipher messages, 2s. 6d. (62½ cents) for ten words, and 3d. (6 cents) for each extra word, in addition to the union rate.

Press messages, one-fourth of the above rate plus the union rate, but with a combined minimum charge of 3s. 6d. (88 cents).

The tariff to office of the third-named company is as follows:

Ordinary or cipher messages, 5s. ($1.25) for ten words, and 6d. (12 cents) for each extra word, in addition to the union rate.

Press messages, one-fourth of the ordinary rate plus the union rate, but with a combined minimum charge of 6s. ($1.50).

19. What is the tariff for press telegrams and telephonic messages?

Vide answer to question 18. Telephones and private wires are rented from the department by the public at the tariff shown on inclosure No. 2. At present there are no "telephonic" messages, but arrangements are in hand for the public to have conversations with telephone renters on payment of a small fee.

20. What is the average number of words sent daily for the press?

Average daily number of words during year 1896 for the press, 19,710.

21. What is the annual value of the work performed by the telegraphs, telephones, and postal savings banks?

See inclosure No. 4 for telegraphs and telephones. For savings banks, see answer to question No. 2.

F. W. ROBERTS,
United States Consul.

UNITED STATES CONSULATE,
Cape Town, November 17, 1897.

AN ACT For the regulation of electric telegraphs.

The act of August 14, 1861, entitled "The Electric Telegraphs Act," recites that it is expedient to provide for the construction, regulation, and protection of lines of electric telegraphs in this Colony, and it enacts that, from and after its passage, no line of electric telegraph shall be constructed in this Colony until the governor, with the advice of the executive council, shall have sanctioned the construction of such line, and every line of electric telegraph constructed or to be constructed within this Colony shall be subject to the several provisions of this act.

It shall be lawful for the governor, with the advice of the executive

council, to authorize the establishment and construction either by individuals or copartners of such line or lines of electric telegraph as he may think fit; and for the purpose of facilitating the construction and maintenance of such line or lines of electric telegraph, such person or persons and others acting under his or their authority may enter into and upon such lands as may be required for the construction of any line of communication by electric telegraph, and any other works incident or relative thereto, and may erect, set up, and maintain all necessary masts or poles for the supporting of any cord or wire of any such line, or bury or lay such cord or wire in the ground, and all and singular the tenth, eleventh, twelfth, and thirteenth sections of the act No. 9, 1858, entitled "Act to provide for the management of the public roads of the colony," shall *mutatis mutandis* apply to the entering upon, taking, and using of lands required for any of the purposes aforesaid, precisely as if such line of communication had been a public road.

AN ACT for securing precedence to public telegrams.

Whereas the public interests demand that messages and communications on Her Majesty's service shall be entitled on all and every line of electric telegraph to precedence of any other message and communication: Be it enacted by the governor of this Colony, by and with the advice and consent of the legislative council and house of assembly thereof, as follows:

* * * * * * *

II. All and every message and communication on Her Majesty's service sent by any officer in Her Majesty's employment of the rank, degree, or station to be from time to time specified in a list which shall be published in the Government Gazette and furnished to the various electric telegraph offices in the colony by the colonial secretary shall be entitled to take precedence of any other message or communication on every line of electric telegraph within this colony.

III. Any person or persons refusing to grant such precedence as aforesaid to any message or communication on Her Majesty's service, when called upon by any such officer to do so, shall for every such act of refusal be liable to the payment of a fine not exceeding one hundred pounds sterling, and in default of payment thereof to imprisonment for a period not exceeding six calendar months.

* * * * * * *

AN ACT to provide for telegraphic communication between the Cape Colony and England.

Whereas it is desirable that telegraphic communication should be established between this Colony and England, be it therefore enacted by the governor of the Cape of Good Hope, with the consent of the legislative council and the house of assembly thereof, as follows:

* * * * * * *

II. The governor is hereby authorized and empowered to pay, from and out of the public revenue of this Colony, for a term not exceeding twenty years, to any joint stock company or companies, copartnership or copartnerships, individual or individuals, who shall enter into a contract with the Colonial Government to construct and maintain, and who shall construct and maintain, a line of telegraph which shall secure for this Colony telegraphic communication with England, an annual sum not exceeding £15,000 ($75,000).

* * * * * * *

6. The contract shall provide for the maximum rate to be paid for messages which shall be sent by the said telegraph line to or from London: *Provided, however*, That the cost of a message to or from London shall not in any case exceed the sum of ten shillings ($2.50) per word.

Telephone exchange and private wire regulations.

PART I.—TELEPHONE EXCHANGES.

At any place in the Cape Colony where telephone exchanges have been established, offices or private residences within reasonable distance of the central office may be connected with the exchange under the following conditions:

1. When an exchange is worked on the single wire system and the distance of the subscriber's residence is not more than 1 mile from the central exchange, an annual rental of £8 ($40), payable in advance, will be charged. If a second or return wire is used the charge will be £10 ($50).

In Cape Town, Port Elizabeth, and East London the charge will be uniformly £10 ($50) per annum, whether a single or double wire is used.

2. For these payments the subscribers will be provided with one complete set of apparatus of approved pattern, but an extra charge will be made for extension bells, switches, and any additional instruments at rates to be fixed by the postmaster-general.

3. The rental in all cases includes the maintenance in working order of the line, instruments, and batteries, but the renter will be required to pay for all damages to instruments and batteries beyond ordinary wear and tear, and the cost of replacing any apparatus, etc., in the event of partial or total destruction by fire or other causes.

4. If the subscriber's office or residence is situated at a greater distance than 1 mile from the central exchange a further charge at the rate of £1 10s. ($7.50) for each additional quarter of a mile or portion of a quarter of a mile will be made where a single wire is used, and £2 ($10) for each additional quarter of a mile or portion of a quarter of a mile if a second or return wire is used, or if the line is in connection with the Cape Town or Port Elizabeth exchanges.

5. Where any connection with an exchange is over 3 miles in length, or the connection necessitates the erection of a new line of poles beyond 1 mile from the central exchange, the subscriber will be requird to enter into an agreement to hold the same for a term of not less than three years, and after the expiration of that period the agreement will be continued subject to three months' notice of termination. All other agreements will be for a term of one year, and will be terminable on three months' notice thereafter.

6. Special forms of apparatus or appliances will be supplied according to agreement.

7. In cases where natural difficulties (and) (or) extra expense are involved in the construction or maintenance of lines, the Government reserves to itself the right of charging special rates.

8. All telephones, instruments, batteries, etc., supplied by the Government are the exclusive property of the postmaster-general, and may be removed by him upon the determination of the agreement, for which purpose he or his officers are to have free access to the premises of the renter. The postmaster-general, or any officer appointed by him, is also to have free access for inspection purposes whenever required.

9. Renters will only be permitted under special circumstances to pro-

vide their own apparatus, and in such cases the apparatus must be of a pattern approved by the postmaster-general.

10. If a renter wishes to connect more than one office or store occupied by him, or his residence, with the same exchange number, he will be required to pay, in addition to the original exchange subscription, a rental of £1 10s. ($7.50) per annum when the exchange is worked on the single wire system, and £2 ($10) per annum when worked on the double wire system, for each such extension, provided the total length of line does not exceed 1 mile, and at the same rate of payment for each quarter of a mile or fraction thereof in excess of 1 mile. These payments will be in addition to any charge for extra apparatus.

All extensions of exchange wires will be treated as private wires, and will be available for use between the several points placed in communication in addition to being used as exchange wires.

11. Persons occupying offices in the same building can jointly subscribe to the telephone exchange under the same exchange number, on paying, in addition to one ordinary rental, £3 ($15) a year for each additional set of instruments fixed in the several offices of the joint subscribers, who will have to provide an attendant for their own local switch board, or should additional instruments not be required, £2 ($10) a year for each additional name to be inserted on the list of subscribers. Partners in firms can have their names published separately in the telephone lists on paying of a fee of £1 ($5) per annum for every additional name. Local switch boards are supplied at an annual rental of of 10s. ($2.50) per number.

12. Should a renter change his office or residence he will be required to pay such proportion of the cost of altering the line, etc., as may be determined by the postmaster-general, and the annual rental will be adjusted if necessary to the altered length of line.

13. Renters will be furnished with a list of persons with whom they may communicate by telephone, and as new subscribers are connected with the system from time to time, notification of the fact will be given by the department.

14. The postmaster-general may exclude from the exchange any renter who allows the telephone instrument in his custody or control to be damaged or destroyed or put to any improper use, and may remove or cause to be removed any instruments alloted to the use of the renter, who shall have no claim for damages or otherwise in consequence of the exclusion or removal of the instruments under such circumstances.

15. The renter must not permit the use of his connection for any other purpose than his own business. Any breach of this rule may involve the removal of the line and instruments without prejudice to the right of the Government to claim the rent for the remainder of the term.

16. Should any renter be in arrear with his rent and fail to pay the same on being requested to do so, the postmaster-general shall have power to disconnect his telephone and (if the rent be not paid within a reasonable time, say one month) cancel the agreement, remove the name of the renter from the list, and enter upon the premises for the purpose of removing all instruments, wires, etc., without prejudice to the right of the Government to claim the rent due.

17. If the agreement shall be determined during the currency of any year in respect of which the rent shall have been paid in advance, the postmaster-general may repay or allow in account to the renter the proportion of such rent which is attributable to the unexpired portion of the current year.

18. Surburban and country exchanges can be established when not less than 20 subscribers agree to rent connections for a term of three years.

In other respects the terms and conditions applying to suburban and country exchanges will be similar to those applicable to central exchanges.

PART II.—PRIVATE WIRES.

Private telegraph and telephone lines will be erected and manitained by the post-office department on the following terms and conditions:

[Pounds sterling changed into dollars.]

1. For a single wire:

	Per annum.
Not exceeding half a mile in length	$15.00
For each additional quarter of a mile	7.50
For a double wire (metallic return):	
Not exceeding half a mile in length	20.00
For each additional quarter of a mile	10.00

No annual maintenance charge is made for indoor wires which are not directly connected with an outdoor private wire or exchange wire, but the renter in such cases has to bear the initial expense in connection with the erection of the wire as well as the cost of any subsequent renewals.

2. Instruments and batteries will be supplied and maintained in working order on payment of an annual rental, as under:

[Pounds sterling changed into dollars.]

	Per annum.
Telephone and battery	$10.00
Switch boards, each number	7.50
Bells, each	1.25
Switch, three-way	.50

For fire alarms and other special apparatus, such special rates as may be fixed by the postmaster-general.

3. In special cases where instruments are permitted to be supplied by the renter they will be maintained by the post-office department at an annual charge to be fixed by the postmaster-general.

4. Except where a shorter term is specially arranged for, all private wires must be rented under an agreement for a period of three years. The renter can, however, discontinue to rent the line at the end of that term, and at any time thereafter, on giving three month's notice.

5. The renter of any private line will not be permitted to use the line otherwise than bona fide for his own private business. Any breach of this rule may involve the removal of the line and instrument without prejudice to the right of the postmaster-general to claim the rent for the remainder of the term.

APPENDIX No. 24.—*Comparative statement of telegraphic traffic, cash revenue, value of free work performed, and expenditure during the years 1874–1896.*

[Pounds changed to dollars.]

Years.	Miles of line open.		Miles of wire open.		Number of offices.	Actual cost of construction.	Total messages of all codes forwarded during the year.	Cash revenue.		Value of free work performed.			Total cash revenue and value of free work combined.	Expenditure.		Excess of expenditure of cash revenue and value of free work combined.
	Telegraph.	Telephone.	Telegraph.	Telephone.				Estimated.	Actual.	Government.	Imperial.	Railway.		Estimated.	Actual.	
1874	945	.....	945	.....	22	$297,509	$45,534	$35,000	$46,829	$21,518	.....	.....	$63,347	$41,905	$41,923	$29,123
1875	1,640	.....	2,040	.....	37	595,927	71,210	60,000	51,976	21,027	.....	.....	73,009	65,820	59,576	13,282
1876	2,089	.....	2,676	.....	65	827,695	126,719	100,000	100,972	28,778	.....	.....	129,750	105,585	100,188	29,561
1877	2,450	.....	3,154	.....	82	929,150	183,114	100,000	100,577	37,592	.....	.....	138,160	129,130	128,127	10,043
1878	2,713	.....	3,575	.....	98	1,022,221	284,763	105,000	134,062	88,101	.....	.....	222,163	144,780	149,042	73,121
1879	2,713	.....	3,575	.....	101	1,030,446	303,068	127,500	168,593	80,063	.....	.....	248,656	165,207	177,377	71,277
1880	3,140	10	4,102	19	121	1,327,710	398,277	157,500	207,908	96,240	.....	.....	304,147	200,625	196,377	107,471
1881	3,260	16	4,515	41	118	1,449,531	541,549	210,000	317,986	139,145	.....	.....	457,131	240,850	215,955	238,176
1882	3,466	25	6,951	70	128	1,605,035	621,269	300,000	292,464	121,856	.....	.....	414,320	273,312	262,452	151,868
1883	4,031	30	8,256	95¼	209	1,737,565	679,588	325,000	258,989	123,701	.....	.....	382,691	295,015	265,150	117,530
1884	4,219	39	8,663	114¼	203	1,755,006	740,791	292,500	251,655	141,493	.....	.....	353,144	285,502	268,514	124,629
1885	4,329	40	8,981	126½	214	1,770,145	798,468	292,500	262,266	174,998	.....	.....	437,264	255,255	225,146	212,115
1886	4,329	44	8,981	158½	216	1,775,078	770,500	285,000	242,582	158,002	.....	.....	400,584	240,212	252,108	148,476
1887	4,310	52	8,996	191¾	217	1,780,530	851,294	285,000	271,026	168,599	.....	.....	439,625	238,772	236,992	202,633
1888	4,339	55	9,601	212¾	223	1,841,642	1,063,949	310,000	351,218	68,668	$5,250	$125,269	550,406	251,602	245,185	305,220
1889	4,510	62	11,325	243⅛	238	1,937,643	1,375,929	447,000	474,645	70,675	5,810	159,754	712,096	338,457	386,164	375,932
1890	4,640	68	11,779	284⅛	268	1,967,116	1,291,984	527,500	363,731	80,873	9,749	230,685	685,039	406,762	404,842	280,197
1891	4,930	71	12,513	293⅛	278	2,028,608	1,317,021	415,000	339,465	98,354	7,639	242,160	687,620	408,087	396,300	291,319
1892	5,482	73	13,767	307	310	2,098,358	1,424,361	350,000	350,970	99,689	5,553	299,385	755,599	404,805	374,392	376,207
1893	5,602	78	13,953	363⅛	320	2,159,102	1,538,325	362,500	340,959	111,214	9,268	351,058	812,501	414,532	424,953	387,547
1894	5,975	85	14,831	467¾	334	2,290,003	1,537,434	400,000	377,539	66,842	7,352	345,207	796,941	431,655	414,548	382,392
1895	6,316¾	92	15,604¼	577¾	360	2,319,019	1,798,061	413,750	a487,268	15,345	6,622	431,560	940,796	481,255	453,015	487,781
1896	6,405⅞	101	16,267⅛	632¼	394	2,547,258	2,229,663	450,000	641,619	25,605	14,836	599,817	1,281,879	534,500	518,248	763,630

a Includes telephone rentals.

NOTE.—From 1874 to 1887 the annual value of Government, imperial, and railway messages was shown as one amount. Ordinary Government messages were paid for from the 1st of July, 1894.

CHINA.

Mr. Denby to Mr. Sherman.

LEGATION OF THE UNITED STATES,
Peking, September 20, 1897.

SIR: I have the honor to reply to your circular of the 17th July last as follows:

1. There are no laws as to postal telegraphs, telephones, and postal savings banks in China.

2, 3, 4, 5, 6, 7, 8. There are no postal savings banks in China.

9. The Chinese Government owns the telegraph lines of China, having built them during a series of years beginning in 1872. Telephone lines are used in China only in the foreign concessions and the vicinity thereof; they do not belong to the Government.

10, 11, 12, 13, 14. The telegraph lines were built by the Government, not bought from private companies. No statistics as to cost of construction nor as to receipts and expenditures are obtainable.

15, 16. No telegraphic nor telephonic stamps are sold.

17, 18. On the telegraph lines no message may be sent except upon payment for seven or more words. The cost of messages within the borders of China varies, according to destination, from 5 cents Mexican per word to 31 cents Mexican per word for messages in the Chinese language, and from 10 cents Mexican per word to 62 cents Mexican per word for messages in foreign languages.

19. All telegrams pay alike, no distinction being made between press telegrams and others.

20. No statistics obtainable.

21. There are no such savings banks.

I have the honor, etc., CHARLES DENBY.

COSTA RICA.

Mr. Baker to Mr. Sherman.

No. 859.] LEGATION OF THE UNITED STATES,
Managua, Nicaragua, October 21, 1897. (Received Nov. 12.)

SIR: Department circular of July 27 last called for reports from this legation upon the telegraphs, telephones, and postal savings banks in Nicaragua, Salvador, and Costa Rica.

I promptly forwarded the report furnished by the Government of Nicaragua, and now have the honor to send you such documents as the Government of Costa Rica has transmitted to this legation. Inclosure No. 1 consists of a communication from the postmaster-general of Costa Rica, in which answers to certain Department inquiries are submitted and several Government decrees containing some desired information. Translations accompany the above papers. I inclose in addition two small volumes, one containing the contract and rules of the telephone company and the other the fiscal code of the Republic, in which certain telegraph laws may be found.

I have no reply from the Government of Salvador up to this date upon the above subjects.

I have, etc., LEWIS BAKER.

POSTMASTER-GENERAL'S REPORT.

GENERAL OFFICE OF THE TELEGRAPH,
San Jose, September 28, 1897.

The MINISTER OF INTERNAL AFFAIRS:

I have the honor to furnish you with the report to which your communication, No. 240, of September 20 refers.

In the year 1869 the first telegraph line in Costa Rica was established for the Government, adopting the Morse system, and its management being according to the telegraph by-laws which I have the honor to inclose, and in which the established tariff is given.

The national telegraph of Costa Rica is at present composed of 1,190,099 meters (714 miles) of telegraph lines, divided into four sections, which are watched and kept in good condition by an inspector and ten watchmen or mounted guards, who go over their work every other day. There are in existence fourteen first-class telegraph offices with a permanent service, and fifty-one of the second-class with twelve hours of daily service.

The annual expense is $185,000 (pesos). The income is $150,000 (pesos). The average number of words daily delivered to the press for its publication is 4,000. The telegraph messages have no fixed limit as to the number of words. The approximate value of the national telegraph is $400,000 (pesos).

The telephone service for the exclusive use of the Government in San Jose was established in 1880, and the public service between San Jose and the interior provinces of the Republic in 1884, with first-class material and fixtures and with a capacity of 250 subscribers. The contract celebrated with the telephone company on June 14 of the present year gives an exact idea of how this service was established.

The private telegraph of the railroad company is 190,000 meters (114 miles) in extent, with fourteen offices, which render the necessary service for the good administration of the enterprise, and in very few cases to the public, but it is not intended for the use of the latter.

There is no postal savings bank in Costa Rica.

In conclusion, I have the honor to inclose a copy of the law that established the telegraph and postal stamps, from which a rebate of 75 per cent is made to newspaper enterprises established in the country. The telegraph by-laws are found in the Fiscal Code, page 96, title 12.

I am, etc.,

V. ROB. CASTRO.

TELEGRAPH AND POSTAL STAMPS LAW.

OFFICE OF INTERIOR AFFAIRS,
National Palace, San Jose, August 15, 1891.

In consideration of the fact that the relatively high cost of the transmission of telegraphic messages should not be an obstacle to newspaper enterprises in getting all the news of general interest, the publication of which is of recognized importance, the President of the Republic decrees:

1. To aid said newspaper undertakings by a 75 per cent reduction on the regular rate of telegraphic communications which they may send or receive upon subjects of general interest for their publications.

2. In order that the transmission of the message may have the abovementioned reduction it must be written in Spanish, without any cipher or conventional keys.

3. This concession in article 1 will be withdrawn whenever it shall be abused by any newspaper. Be it published.

Signature of the President.

LIZANO.

Decree No. 64, of September 14, 1889.

Referring to fiscal, mail, and telegraphic imposts, Bernardo Soto, President of the Republic of Costa Rica, using the power conferred upon him by section 28 of article 102 of the Constitution, decrees:

ARTICLE 1. The mail and telegraphic fiscal imposts shall be paid in the future in postal telegraphic stamps, which will be used without distinction in one or the other service.

ART. 2. Nine different kinds of postal and telegraph stamps are hereby established, of the following form, price, and color: Rectangular form of 25 millimeters in height by 21 in width, and marked "Costa Rica" in the upper part, and in the lower "Mails and telegraphs," and the value of the stamp in conformity with the following colors: Olive green, $5; violet, $2; blue, $1; red, 50 cents; green, 20 cents; burned ochre, 10 cents; orange, 5 cents; sea green, 2 cents; brown, 1 cent.

ART. 3. The use of the stamps of the new issue will begin on the 30th of the present month, and from that date the value of the telegrams and cablegrams shall be paid with them in the proper offices. On the same day, the 30th, the use and legal circulation of postal seals now employed in postal offices shall cease.

ART. 4. The stamps at present in circulation and now in the hands of sellers shall be exchanged in the office of national stamps up to the 31st of October next.

ART. 5. One-sixth of 1 per cent shall be allowed in the purchase of stamps of the new issue in sums of not less than $25. The discount in the Province of Guanacaste shall be fixed at 12 per cent.

ART. 6. The seals to be used in the payment of telegrams shall be sent to the director-general of this branch of the service, perfectly clean, and the director, or official appointed by him, becoming aware or satisfied of the impost having been paid, he shall mark them with his seal and deposit them forthwith in the archives, and the telegraphic operators will be required by them to make good any balance that may result from the periodical inspection that he will make.

Given in the city of San Jose, in the Presidential palace, September 14.

BERNARDO SOTO.

MAURO FERNANDEZ,
The Minister of the Treasury and Commerce.

Decree No. 353, September 26, 1889.

Referring to the collection of telegraph tolls the answers to which have been prepaid:

Office of Home Affars, National Palace, San Jose, September 26, 1889. The President of the Republic, taking into consideration that the method of the collection of telegraph tolls was altered by decree No. 8, of September 14, prescribing for this branch of the service a rule relating to the collection of the telegraph tolls with prepaid answers, decrees that the collection in such cases be made in accordance with the following rules:

1. That any person addressing a telegram and desiring to prepay the

answer must fix the number of words for the same and advance the number of stamps, according to the tariff for the telegram and its answer.

2. Should the answer contain more words than those fixed in the original telegram, it will not be delivered from the office unless the value in excess be previously paid, or else the message be reduced to the appointed number of words.

3. Should the number of words of the answer not reach the amount named by the sender, the difference in the value will belong to the public treasury. Be it published.

Decree 73, October 8, 1889, establishes a new class of mail and telegraph stamps of the value of $10 each.

Bernardo Soto, President of the Republic of Costa Rica, in the use of the powers vested in him by section 28 of article 102 of the constitution, decrees:

ARTICLE 1. Section 10. A class of mail and telegraphic stamps is hereby established of the value of $10 each, the color of the same to be black and the size and form as described in article 2, in executive decree No. 8, September 14, of the current year.

Given in the city of San Jose, in the Presidential palace, October 8, 1889.

BERNARDO SOTO.

MAURO FERNANDEZ,
The Minister of the Treasury and Commerce.

LAW AS TO TELEGRAPHS.

ART. 369. Outside of the telegraph lines of the nation established, or that may be established, there may be others established by private enterprise, conformable to the concessions which the legislative power may make.

ART. 370. The present telegraph lines of the Republic are divided into four sections: The first is from Cartago to Punta Arenas, the second from Esparta to Liberia, the third from Liberia to the frontier of Nicaragua, and the fourth from the capital to the port of Limon. Each section shall be provided with offices and employees required by the public safety and convenience.

ART. 371. The telegraphic lines of the Republic, belonging to the nation, and their respective offices, shall be served and administered in conformity with this code.

ART. 372. The Government does not guarantee the delivery of telegraphic communications unless they are directed to a domicile fixed and known.

ART. 373. The telegraph employees are exempt from military service and from municipal duties.

ART. 374. The general direction of telegraphs consists of a director in chief, to be nominated and chosen by the executive power.

The director in chief is responsible for the service and management of all the lines, and is the intermediary for the execution of the supreme orders communicated directly by the Government and the interior department.

ART. 375. All the employees of the lines are subject to the director in chief.

ART. 376. The duties of the director in chief are:

1. To propose to the supreme Government the operators who are to serve the offices, to watch over the performance of their duties, to take care that their responsibility is made effective, to transfer them from one office to another when it suits the service, to suspend them, and even to dismiss them when in his opinion there is just reason for it, and to fine them from $1 to $10 for mistakes made in the performance of their functions. The product of these fines will form part of the fund of the telegraph.

2. To take care that his dependents fulfill with all exactness their respective duties, and to give them such orders and instructions as the good service of the telegraph requires, the lines and offices of which he shall inspect from time to time by himself or by means of the principal operator.

3. To see to it that the lines are maintained in the best possible condition, and the offices in good order and perfect action, using for that purpose all necessary measures.

4. To keep in his charge, under his own responsibility, the central depot of instruments, tools, and furniture belonging to the telegraph, and to have all the offices furnished with the tools and furniture that they require.

5. To make requisitions on the Government at the proper time to supply the direction with the telegraphic materials, instruments, batteries, tools, furniture, etc., that may be indispensable to keep the lines in good condition, and for the service and regulation of the telegraph offices.

6. To prepare each month a general statement of the receipts and expenses during the prior month, and to remit it to the proper department.

7. To prepare at the end of each year the general estimate of the expenses of the telegraph in the following year, and to remit that to the Government in due form for its approval.

8. To apply to the civil and military authorities requesting their assistance in case of requiring it for the good service of the telegraph, and to inform the Government upon the faults or negligence of the authorities with respect to telegraphic service.

9. To delegate temporarily, when he deems it necessary, his powers to the chief operator.

10. To transmit all informations in regard to the telegraph that are asked by the Government, and also to inform the Government of the unusual interruption of any line, and its causes, and to remove those causes with the greatest diligence, giving notice as soon as the communication is reestablished.

11. To propose to the Government all the improvements proper to be made in the line, and to fulfill and cause to be fulfilled with exactitude, in the exceptional situation of public disturbances or war, the instructions which the executive department may communicate to him in relation to the service, and especially the instructions established under article 361 of Penal Code.

12. To prepare from the 10th to the 15th of each month an account of the expenses incurred in the preceding month in the preservation of the line, with explanations of the same, and to send it to the proper department.

13. To fulfill in the strictest manner, so far as belongs to him, all the obligations contracted by the Government in regard to the telegraphic conventions celebrated or that may be celebrated with the Governments of other States.

14. To deliver to the national treasury on the 15th of each month the profit of the telegraph system in the preceding month, including in that delivery the fines that may have been imposed upon his subordinates during the preceding month.

15. To consult the Government upon matters respecting the service on which he may have doubt, or which are not foreseen in this regulation.

16. To render at the end of each fiscal year the general account of receipts and expenses in the administration of the telegraph.

17. To give to the executive department at the end of each fiscal year a report of what has been done in that year in relation to the telegraph and to its condition, and to give to the treasury department a report of the receipts and expenses of the telegraph in the same year.

18. To impose upon the inspector and guards of the first section a fine of $1 for each hour's interruption that may occur after the first four hours, the limit which will be conceded for repairing such interruption.

19. To impose upon the inspector and guards of the second and third sections the same fine after the first six hours of interruption, the limit which will be conceded to repair the line.

OFFICIAL TELEGRAMS.

ART. 390. The official telegrams are those relative to the public service, and which officially and on account of their importance, are directed by or for—

The president of the Republic, the secretaries and under secretaries of departments, the presidents and secretaries of the constitutional congress, and of the permanent commission.

The bishop of the diocese and his secretary.

The presidents of the high tribunals of justice and their secretaries, as well as the presidents of the university, and of the medical school, justices of the peace, and alcaldes.

The administrators of government securities and mails, and the accounting officers of the treasury.

Governors and political chiefs.

The general in chief, the commandants of fortresses, and the captains of ports.

The director of the Diario Oficial (Official Journal).

The director-general of public works.

The director-general of statistics.

The inspector-general of the treasury and the chief officials of the custom-house.

The railroad superintendents, station agents, roadmasters and conductors.

ART. 391. The telegrams sent by justices of the peace and alcaldes are only considered official in case they refer to the administration of criminal justice.

ART. 392. The official telegrams shall always bear the stamp or seal of the functionary or office that sends them. The official messages shall be concise in their editing and shall not contain formulas that are foreign to the telegraph service.

ART. 393. The official telegrams shall be transmitted in priority to private ones, provided that the functionaries or officers put at their head this phrase "De preferencia."

ART. 394. The telegrams directed by or for the functionaries men-

tioned in article 390 shall not be considered as official when their contents are of a private nature, excepting those directed by the president of the Republic and the secretaries and under secretaries of departments, which, in every case, shall be considered as official.

ART. 395. The telegrams of information to be transmitted to the public will be regarded as official, and the operators will post them on the doors of their offices.

PRIVATE TELEGRAMS.

ART. 399. Private telegrams must be written with ink and not with pencil, in plain characters and in intelligible words.

No abbreviations or numbers will be used in them, with the exception of the date. The use of figures is permitted in order to express the worth of merchandise as well as for the expression of numerical operations in messages proceeding from the offices of the treasury.

ART. 400. Private persons can not use ciphers, signs, or word combinations.

ART. 401. When persons who are engaged in commerce as a recognized firm desire that telegrams shall be transmitted to them with a special combination, that may be done, but on condition that they give the key of the combination to the director of the line, who will keep it a secret.

TARIFF OF CHARGES.

ART. 419. The amount to be paid for the telegraph dispatches within the Republic and within the other sections of Central America is as follows:

For every ten words, or fraction of that number, that are transmitted from one office of the Republic to another, 20 cents.

For every additional ten words, or fraction of that number, 5 cents.

For every ten words or fraction of that number to be transmitted to an office of the Republic in a foreign language, 30 cents.

For every five additional words or fraction of that number transmitted in a foreign language, 15 cents.

ART. 420. In order to avoid difficulties as to payment no telegram containing phrases in different languages is admissible.

CONTRACT AND REGULATION OF THE TELEPHONE SYSTEM OF COSTA RICA.

DECREE BY JOSE J. RODRIGUEZ, CONSTITUTIONAL PRESIDENT OF THE REPUBLIC.

The establishment in the country of a telephone enterprise, being of public interest, and the concession heretofore made to Don Leopoldo de Rojas by decrees of the 24th of July, 1891, the 24th of May and the 13th of December, 1892, having lapsed, I decree by virtue of the extraordinary powers vested in me:

ARTICLE 1. The contract made between the interior department and Don Francisco Mendiola Boza for the establishment of telephones is hereby approved, which contract says:

Jose Vargas M., secretary of state in the interior department, being authorized for that purpose by the President of the Republic, and Don

Francisco Mendiola Boza, being of full age, married, and a native of Cuba, living here, have agreed to the following contract:

I. Mendiola Boza undertakes to establish and maintain, during ten years from the date of this contract, the telephone service in the Republic, under the following conditions:

(*a*) The telephone service in this capital and in the cities of Heredia, Alajuela, and Cartago will be open to the public within one year from this date, and, within eighteen months from the same date, the ports of Limon and Puntarenas shall be in communication with the telephone system.

The contractor will have the power to extend the system to all the other towns of the Republic as he deems proper.

(*b*) Mr. Mendiola may charge for the putting up of each telephone within the circuit of the towns named any sum up to $20. Outside of those towns the price of installment will be such as may be agreed upon.

The price of subscription, as well in the towns as outside of them, will not exceed $60 a year for day service and $100 a year for permanent service, day or night; the mode of payment remaining in the discretion of the contractor.

(*c*) In all the central offices the contractor will install telephones for the public use, and shall not charge therein more than 25 cents for the first five minutes or fraction of that time during which the telephone may be in use in reciprocal communication, and 5 cents for every two additional minutes or fraction of that time.

(*d*) The contractor will establish the telephone system with all the improvements of the art and under the supervision of the director-general of telegraphs.

(*e*) The telephone service will be open to the public by day and by night, and will be governed by a regulation which the contractor shall draw up and present to the Government for its approval one month before the first central office is inaugurated.

(*f*) The contractor will be responsible for the secrecy of communications, and he, as well as his subordinates, shall be subject to the laws that punish the violation of correspondence.

II. The Government on its side concedes to Mr. Mendiola—

(*a*) The exemption, during the term of the contract, from custom-house duties on the importation of telephone apparatus, iron poles, copper wire, chemicals, and other accessories and tools intended exclusively for the establishment and maintenance of the enterprise. This exemption does not excuse the contractor from complying with the formalities of disembarkation, warehousing, and other matters established by law.

(*b*) The right to place in the towns and highways the necessary posts, by agreement with the competent authority.

In the towns the posts must be straight, finished, and painted, and be at least 4½ yards out of the ground.

(*c*) The right to make use, on the public highroads outside of towns, of the posts of the national telegraph in order to string on them the telephone cables and wires.

The director-general of telegraphs will indicate the height of the posts at which the wires must be strung, and the distance to intervene between those wires and the telegraphic wires. It is agreed that if any of the posts have not the height or conditions which, according to the director-general, may be indispensable for the hanging of the telephone wires, the contractor will be obliged, if he wishes to make use of such

posts, to have them laid again at his own expense, in the form which the director-general of telegraph may indicate.

III. The contractor will locate, for the official uses of the Government, in permanent service, by day and night, free from all cost of establishment and subscription, 10 telephones in this capital, 3 in each of the cities of Cartago, Heredia, Alajuela, and Puntarenas, 3 in the town of Limon, and 3 in the town of Liberia, in case the system is extended to it.

For other telephones which the Government may take for the public service, besides those that are conceded to it gratuitously, the Government will pay one-half of the price of installment and of subscription indicated in Clause I: *Provided*, That the telephones do not exceed 50 in the whole Republic, and that the subscription shall be for permanent service.

IV. After the lapse of a year from the day on which the telephone service is established at all the points to which the contractor obliges himself to extend the system according to Clause I, the Government may acquire the enterprise on paying to Mr. Mendiola the cost of the installment. If such acquisition shall be made by the Government during the first year in which the Government is entitled to make it, it shall pay to the contractor, besides, 50 per cent above the cost; if during the second year, it will pay 25 per cent; if during the third year, 15 per cent, and 10 per cent if the acquisition shall be made during the fourth year. From the fifth year forward the Government shall only pay the cost of installation.

V. The abuse of the privilege established in paragraph *a* of Clause II, and the failure on the part of the contractor, not caused by accident or necessity, to perform any of his obligations, will authorize the Government to withdraw the whole or a part of the concessions made in this contract.

The Government reserves to itself the right of inspecting, through its agents, the telephone service in the public offices.

VI. The disputes or questions that may arise in the execution of this contract will be settled by two impartial arbitrators, named one on each side. In case of disagreement between the arbitrators, a third shall decide, who shall be taken, by lot, between two persons named, also one by each arbitrator. In no case shall diplomatic intervention be resorted to.

VII. As a guarantee that this contract will be fulfilled in all its parts, the contractor will deposit, on signing the contract, in the treasury, the sum of $2,000 in coin of Costa Rica, which, in case of failure, shall be at the disposition of the Government. The guarantee will cease and the deposit will be returned to the contractor when the service is established in the capital.

VIII. The contractor can not give up this contract without the previous consent of the Government.

During the first six years of this contract the Government shall not make any concession for the establishment of telephone enterprises, but the Government may, at its own cost, and for its exclusive service, establish them.

In testimony whereof the parties affix their signatures in the national palace in San Jose, April 18, 1893.

J. VARGAS M.
FRANCISCO MENDIOLA BOZA.

Approved by the President:
JOSE J. RODRIGUEZ.

PRESIDENTIAL MANSION, SAN JOSE,
April 12, 1893.

CHAPTER 6.—*Tariff of prices.*

ART. 36. The subscriber will have to pay:

(*a*) For the placing of every telephone within the circuit of the cities of San Jose, Cartago, Heredia, Alapuela, $20.

(*b*) For subscription for daily service in the towns, as well as out of them, $60 per year.

(*c*) For subscribers for permanent service, by day and by night, in the towns or outside of them, $100 a year.

(*d*) Outside of the circuit of the towns the price for putting in an instrument will be such as may be agreed upon.

(*e*) Any person may use the telephone placed for the public service in the central office on paying 25 cents for the first five minutes or fraction of that time, and 5 cents for every two additional minutes or fraction of that time.

(*f*) In the cases mentioned in article 12 (changes of fixture, transfer of domicile, and imperfections) the subscriber will pay the original cost, with an increase of 10 per cent. In regard to imperfections the prices will be such as will be agreed upon. In case of disagreement it will be that which two experts fix.

(*g*) The Government will only pay half price for the telephones which it takes for the public service, in accordance with clause 3 of the contract.

CUBA.

Mr. Springer to Mr. Day.

UNITED STATES CONSULATE-GENERAL,
Habana, September 13, 1897.

SIR: In obedience to the Department's instructions in circular dated July 17, 1897, respecting information required concerning the telegraphs, telephones, and postal savings banks of the Island of Cuba, I have the honor to transmit the following, as far as obtainable, under the several heads of the circular, viz:

1. I transmit a copy of the general reglamentary legislation of the postal service, etc., and a copy of postal, telegraphic, and telephone statistics for the fiscal year 1894–'95, to which I refer.

2, 3, 4, 5, 6, 7, and 8. Postal savings banks are not known here.

9. The Government owns and manages the telegraphs of Cuba, ever since their establishment.

10. Telephone lines belong to private companies, except those belonging to the guardia civil, or military telephones.

11, 12, 13, and 14. Can not answer.

15. Telegraphic messages are paid by special stamps, which are affixed to the message, according to number of words, and canceled by stamp or by pen and ink. There are five denominations of such stamps, in values of 5, 10, 20, 40, and 80 cents.

16. Such stamps are sold at the public stamp offices.

17. There is no restriction to the words of a telegraphic message.

18. Tariff: From one to ten words, address and signature included, 20 cents; from ten to fifteen words, 40 cents; each word exceeding fifteen, 5 cents extra.

19. Press telegrams are subject to same rates.
20. I have not obtained any statistics.
21. I refer to page 46 of the accompanying volume of statistics.

I am, etc.,

JOSEPH A. SPRINGER,
Vice-Consul-General.

The royal decree of March, 1890, creates a corps of communication on the islands of Cuba, Puerto Rico, and the Philippines, and the "organic regulation" of the corps provides as follows:

The corps of communication has charge of the plans, construction, and service of telegraph lines, inspection of cables, telephones, and other electrical devices. The Governor-General of Cuba is its official head. The corps itself is composed of the following classes: Directors and subdirectors of the second and third sections, electrical engineers, station masters, first and second class officials, first and second operators, and first and second apprentices. The principal administrators of the telegraph system are the immediate subordinates of the Government.

The decree as to "the service of transmission" prescribes the use of the telegraph, the classification of telegrams, and official and private correspondence. Everyone has the right to telegraph service, but the Government reserves the faculty of suspending such service when it sees proper. The most absolute secrecy is prescribed. The Government accepts no responsibility except as to the transmission, reception, and delivery of messages. Telegraphic mistakes give rise to no claim for indemnity. Messages are divided into three classes, official, service, and private. Private telegrams must be written legibly, in roman characters, in Spanish, French, or English, without scratches, blots, or corrections. Cipher messages may be sent under certain specified conditions. Messages marked "urgent" have priority of other private messages, but not of official messages. Telegraph stamps are provided, but payment of messages may be made in money.

The international telegraph service was opened with Cuba on July 1, 1890.

The regulation of the telephone system provides that every grouping of telephone lines and stations will constitute a network (red); that when it is within one municipality it will be designated "urban," and when it embraces two or more it will be called "interurban." The networks are established and operated by the Government. The annual subscription within an urban network is for day service (8 a. m. to 10 p. m.) $100 in gold, and for permanent service during the twenty-four hours $120 in gold. Casinos, clubs, pleasure societies, inns, cafes, theaters, railroad stations, etc., pay $200 in gold. Public branch telephone stations are provided, where any person may send messages by telephone within the limits of the urban network on payment of 10 cents per twenty words, and 5 cents for every additional five words, or may hold oral conversation at a cost of 20 cents for three minutes. No subscriber can hold the wire for longer than fifteen minutes consecutively.

Where there are no Government telephone lines, permission may be given for private lines, where they are to be between the dependencies of an individual or of a company, and where no other messages than those of the individual or company can be sent. The Government may at any time suspend the service of these special lines.

Private business lines may also be authorized by the Government where there are no Government lines. The Government may announce the public sale of rights to establish private lines in towns where it thinks proper or where the municipality asks their introduction.

A practical telegraph school is established by the Government for the instruction of persons who dedicate themselves to all the services of telegraph, telephone, and electrical industries and applications. The age of admission to the school is from 18 to 30. Graduates are entitled to receive appointments to vacancies in the order in which they stand on their examination papers.

The yearly statement (1894 to 1896) gives the following summary of the telegraph and telephone business in the six provinces of the island:

Telegraph service.

Province.	Messages sent and received.	Province.	Messages sent and received.
Havana	215,052	Santiago de Cuba	130,694
Matanzas	79,342	Pinar del Rio	32,684
Santa Clara	133,546		
Puerto Principe	71,506	Total	662,824

Telephone statistics—Urban networks.

Province.	Subscribers.	Province.	Subscribers.
Havana	1,590	Cienfuegos	84
Matanzas	209	Santiago de Cuba	209
Cardenas	46		
Sagua la Grande	167	Total	2,305

Private lines.

Province.	Lines.	Stations.
Havana	11	33
Matanzas	20	52
Santa Clara	66	212
Puerto Principe	5	11
Santiago de Cuba	11	46
Total	113	354

Telephone receipts, $12,570.

Length of telegraph lines, 2,226 miles; length of telegraph wires, 3,333 miles; number of telegraph stations, 96; number of private telegrams sent, 224,948, or 1.37 for every ten inhabitants.

There is no statement given of telegraph and telephone receipts and expenses for the year (1894–95), but the statement for all classes—mails, telegraph, and telephone—shows as the result of the year's operations:

Receipts	$750,219.83
Expenses	526,852.03
In favor of the treasury	223,367.80

ECUADOR.

Mr. Tillman to Mr. Day.

LEGATION OF THE UNITED STATES,
Quito, September 13, 1897.

SIR: I have the honor to acknowledge the receipt on the 24th of August of your communication of date July 17, in which you ask for certain information in regard to cost and earnings of telegraphic lines in this Republic, as well as for certain information as to the operations of postal savings banks.

On the 30th of August I addressed a communication to the minister of foreign affairs asking his assistance in this matter, which communication he referred to the minister of the treasury, who in turn referred it to the superintendent of telegraphs.

From the answer received from this official September 10, and from my own investigation, I have the honor to state that there are no statute laws regulating the operations of postal telegraphs, telephones, and postal saving banks.

First. There are no postal savings banks, which statement furnishes an answer to questions 2 to 8, inclusive.

Second. There is but one telephone company in the country, which is the property of private parties (foreign and natives), and is operated in Guayaquil. It makes no report to the public, and the use of the telephone system is regulated only by its managers and owners.

Third. The telegraphic lines were built and are owned by the Government, and their use is regulated for the time being by the Government and the general manager of the system.

The communication received from the superintendent, passing through the minister of the treasury, informs me that there are no data by which they can give the cost of the lines first constructed, not even approximately, but that to-day the recently erected lines cost, in the interior, $280 per league, for labor and poles, and on the coast $740 per league for the same.

I am informed that this difference in the cost for this work between the interior and the coast results from the great difference between the price of common labor on the coast and the interior, the coast laborer demanding and receiving from 80 cents to $1 per day, while the common laborer of the interior rarely receives more than 20 or 25 cents per day.

The superintendent of telegraphs informs me there are about 450 leagues, or 1,350 miles, of wire and seventy offices.

About three-fourths of the lines are in what might be denominated the interior. The cost above mentioned does not include wire, insulators, and the instruments and chemicals.

Therefore upon the above statements and a knowledge of the cost of telegraphic wire, I would state the cost per mile of the telegraphic lines as follows:

Poles and labor per league, $450, or per mile	$150.00
Wire per mile, 350 pounds, at 35 cents	122.50
Total	272.50

exclusive of insulators and transmitters and batteries for the offices.

The receipts are given at $20,000 annually, but there is not derived any net revenue from this source.

The Government sells stamps for use at the offices of the denominations of 5 and 10 cents.

There is an agent who sells the stamps distinct from the telegraphic officials, who are required to have the stamps affixed to the paper used for writing messages.

The ordinary message is restricted to ten words and the average charge is about 20 cents.

The lines are used very little by the press, except by those papers authorized by the Government to use it, and those not having Government permission pay at the same rate as individuals.

There can be given no approximately accurate estimate of the number of words sent daily for the press. The line from Quito to Guayaquil is often monopolized by the business of the Government.

Thus it will be seen from these statements made by officials, and from the cost of wire for the lines, valuing the dollar at 48.6 cents of gold, that the cost of telegraphic lines at the present time—that is, for labor and poles and wire—would amount to $130.45 per mile in gold.

Your obedient servant,

JAS. D. TILLMAN.

GERMANY.

Mr. White to Mr. Sherman.

EMBASSY OF THE UNITED STATES,
Berlin, October 1, 1897. (Received October 15.)

SIR: Referring to your circular instruction of July 17, last, I have the honor to inclose herewith answers to the questions contained therein, relating to the nature and practical workings of the postal telegraphs and telephones of Germany, this day received from the imperial foreign office.

I am, etc., AND. D. WHITE.

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1. The legal regulations of the Imperial telegraph system are contained in inclosed chapter 2 of the general service regulations for post and telegraphy.

2–8. Postal savings banks have not been introduced in the German Imperial postal domain.

9–12 and 14. Private telegraph or telephone companies do not exist in Germany. The entire telegraph system, inclusive of the telephones, are under Government control. The Government had the management of all public telegraphs ever since the beginning of telegraphy, and the management of all public telephones from the date of their introduction.

13. At the end of 1896 the Imperial telegraph system had 14,227 Imperial telegraph offices, 654,199 kilometers (392,500 miles) of wire (length of wire), 488 city telephone offices, 276,529 kilometers (166,000 miles) of telephone wires (length of wire).

15. Telegraph or telephone stamps are not issued; the costs of telegrams may, however, be paid in postage stamps.

16. The stamps are canceled at the post-offices and branch telegraph offices by using the letter-canceling stamp, and at the main telegraph stations by using a stamp containing the appropriate wording in black ink.

17. A restriction of the number of words in one telegram does not take place. The smallest charge on an ordinary telegram to Great Britain and Ireland is 80 pfennig (20 cents); home telegrams, 50 pfennig (12½ cents).

There is also no restriction whatever as to the use of the city telephone. An ordinary conversation over the long-distance telephone is fixed at three minutes. Charges are made in accordance with the distance. (See answer to 18.)

18. In the home traffic of Germany the charge for a word in a private telegram is 5 pfennig (1¼ cent). Details can be seen in the inclosed tariff for telegrams. The calculation for the annual payments of long-distance telephones connected with city telephones is adjudged "according to the conditions for the long-distance telephone."

According to this, for a conversation lasting for three minutes over the long-distance telephone between places which are not farther apart than 50 kilometers (30 miles) the charges are 25 pfennig (6¼ cents); for greater distances, 1 mark (25 cents).

19 and 20. A special tariff for press telegrams and for the use of the telephone by the press does not exist.

21. The total receipts (telegrams and telephones) in the imperial telegraph domain amounted to 42,989,223 marks ($10,747,300) during 1895.

THE TELEGRAPH AND TELEPHONE SYSTEM.

Chapter 2 of the general service regulations (referred to in answer to question 1) provides as follows:

The exclusive right to the laying and operation of telegraph lines is in the Government.

Their partial extension and use may be permitted by the Government to private companies where there is no Government line, and where the town authorities recommend such permission. The conditions of the grant must be set out clearly in the document.

The post-office authorities are empowered to allow use of the telegraph and telephone system to land proprietors between two pieces of property not more than 15 miles apart in an air line, and to manufacturing companies, under certain conditions.

Without the consent of the Government, however, telegraph offices may be established that are intended exclusively for the use of rural and village authorities, dyke corporations, canal and drainage companies, and transportation companies. These are all subject, however, to the general telegraph laws, and the use of the wires for other purposes is expressly forbidden. The violation of telegraph secrets may be prosecuted criminally and civilly. The penalty is a fine up to $375, or imprisonment up to six months. The use of railroad telegraph lines within the territory of the Government telegraph system for purposes unconnected with the road is also expressly prohibited.

Railroad telegraph offices may, however, accept telegrams from any person when there is no Government telegraph office in the place, or, if there be any, from persons arriving or leaving, or continuing their journey by train.

Railroad telegraph lines must not forward dispatches beyond the boundaries of the Government telegraph system.

The Government telegraph lines are to be, as far as possible, connected with the railroad telegraph lines.

The connecting wires connecting several railroad telegraph stations with a Government telegraph station and which make possible a correspondence of the railroad stations between themselves must be used under the control of the Government telegraph office; but private telegrams between the railroad telegraph offices on such wires must not be exchanged.

The exchange of telegrams between the Government office and the railroad offices is made by these connecting wires, and in case there are no connecting wires is made by messengers.

Where messages are forwarded partly by railroad telegraph lines and partly by Government telegraph lines a distribution of the charge is made, so that for telegrams forwarded inside of the German Empire and Luxemburg three-fifths goes to the Government line and two-fifths to the railroad line, and so that the railroad telegraph line gets 50 pfennig (12½ cents) for every fifty words of a foreign message.

For the encouragement of telegraphic intercourse, the German post-office and telegraph authorities may permit private persons to rent or own wires for their own exclusive use. Under certain circumstances Government telegraph offices may be connected with business houses, factories, and dwellings. For the attention to telegraph service on these special wires the possessor himself must take care, but the authorities will give every opportunity to a competent operator, so far as may be done without cost to the Government.

For the use of these side telegraph lines, with a connecting wire, for a kilometer (or three-fifths of a mile) to the post-office the rent per year is, with the use of a Morse apparatus, $31.25; with the use of a telephone, $18.75; and for every additional kilometer a charge of 20 marks ($5).

The renter of a side telegraph line has to bind himself to the payment of the compensation for five years.

The Imperial Post and Telegraph authorities also undertake to establish separate telegraph offices for immediate telegraph connection of business places or dwellings with each other, and to deliver them, on payment of rent, for their own personal and exclusive use. These offices serve for telegraphic communication between different dwellings and places of business of a single person or of a business company, or between distinct persons and companies.

The wires may be used either with telephones or with the Morse apparatus. They must be for the exclusive use of the renter. The yearly rates are for a wire a kilometer (three-fifths of a mile) in length: With the Morse apparatus, 125 marks ($31.25); with the telephone, 75 marks ($18.75); for every additional kilometer, 30 marks ($7.50); for every additional office with the Morse apparatus, 50 marks ($12.50); with the telephone, 25 marks ($6.25).

The payments must be made quarterly, in advance. Private telegraph offices of larger extension and more important circuit, costing for their establishment 1,000 marks ($250) or more, may with the consent of the Imperial post-office, and under certain conditions, be arranged.

THE TELEPHONE.

The city telephone system serves during the business hours of the central office for oral conversation and for the sending of matter for the purpose of being transmitted:

The rent of a telephone is as follows: For each telephone within the circuit of an independent city system, up to a distance of 5 kilometers

(3 miles) from the central office, per year, 150 marks ($37.50); for every additional 100 meters distance, 3 marks (75 cents); for every additional telephone in the same building, 20 marks ($5); if the additional telephone be on the same property but not in the same building as the first, the charge is 50 marks ($12.50).

For the receipt of matter by the central office for the purpose of being forwarded, as well as for the rendering of telegrams arriving for the renters of telephones, the charge is 10 pfennigs (2½ cents), without regard to the number of words, and 1 pfennig (one-fourth cent) per each word.

The renting of a telephone is for one year.

The period of a telephone conversation is limited to three minutes, but may be extended if there is no other demand for the wire.

The right existing in the Imperial post and telegraph department to close the telegraph lines in whole or in part against certain kinds of correspondence is extended also to telephones.

GREAT BRITAIN.

Mr. Hay to Mr. Sherman.

AMERICAN EMBASSY,
London, November 3, 1897. (Received November 16.)

SIR: Referring to your circular instruction of the 17th of July last, in regard to information concerning the working of postal telegraphs, telephones, and postal savings banks in Great Britain, I have the honor to inclose herewith a copy of a note from Lord Salisbury, dated the 30th ultimo, on the above subject, together with a copy (original) of a letter from Her Majesty's postmaster-general, which came inclosed therein, embodying the information desired, together with the documents referred to, which it is thought will be of value to the Government of the United States.

I have, etc., JOHN HAY.

FOREIGN OFFICE, *October 30, 1897.*

YOUR EXCELLENCY: In accordance with the request contained in your excellency's note of the 3d of August, I have the honor to transmit to you herewith a copy of a letter from Her Majesty's postmaster-general embodying the information, which the Duke of Norfolk thinks may be of value to your Government, in regard to the working of telegraphs and savings banks in this country.

The documents referred to in the letter from the post-office are also sent herewith.

I have the honor, etc., SALISBURY.

His Excellency JOHN HAY.

GENERAL POST-OFFICE, *London, October 25, 1897.*

SIR: With reference to your letter of the 9th August, forwarding a copy of a note from the United States ambassador, asking to be furnished with information as to the working of telegraphs and savings

banks in this country, I am directed by the postmaster-general to acquaint you, for the information of the Secretary of State for Foreign Affairs, that, in the Duke of Norfolk's opinion, the following information might be given, and the documents to which reference is made in that information sent in reply to Mr. Hay's request.

The index numbers in Roman characters correspond with the numbers on the relative documents referred to in this letter, and which are forwarded under separate cover.

TELEGRAPHS AND TELEPHONES.

At the outset it may be stated that the postmaster-general possesses the exclusive privilege of transmitting public telegrams within the United Kingdom and also the exclusive privilege of performing all the incidental services of receiving, collecting, or delivering such telegrams, and it will be gathered from the telegraph acts in what manner this came about, while the following brief résumé of the provisions of the acts germane to the questions asked, with explanatory notes and remarks, may be of assistance in arriving at an understanding of the postmaster-general's position.

Act of 1863 (I).

This act regulates the exercise of powers under special acts for the construction and maintenance of telegraphs. It applied generally to the then existing and to all future telegraph companies, and defines the powers of the companies, the restrictions to which they are subject, their obligations, and liabilities in connection with their undertakings.

Amendment act of 1866 (II).

This act amends the act of 1863 in certain particulars.

Act of 1868 (III).

This act was passed with a view to establishing a cheaper, more widely extended, and more expeditious system of telegraphy than was provided by the private companies then working the telegraphs, and it empowered the postmaster-general to work telegraphs in connection with the administration of the post-office, one uniform charge to be made for the transmission of telegrams within the United Kingdom. (The charges made by the companies varied according to the distances over which the telegrams were transmitted.) The act also empowered him to acquire the undertakings of the telegraph companies; the business in public telegrams carried on by railway or other companies; certain rights of way leave; to enter into contracts and agreements; to make regulations for the conduct of telegraph business; to fix charges, and to make special agreements for the transmission of news messages at specially favorable rates of charge.

Act of 1869 (IV).

This act defines the terms "telegraph" and "telegram;" confers on the postmaster-general the exclusive privilege of transmitting telegrams within the United Kingdom and of performing all the incidental services of receiving, collecting, or delivering telegrams, with certain specified exceptions, requires that telegraph companies, who have

not disposed of their undertakings under the act of 1868, shall sell their undertakings to the postmaster-general; provides that the postmaster-general may make arrangements for the transmission within the United Kingdom of telegrams to or from places out of the United Kingdom; authorizes the raising of the sum of £7,000,000 ($35,000,000) for the purposes of the acts of 1868 and 1869, and defines a written or printed telegram as a post letter within the meaning of the act 1 Victoria, cap. 36.

Act of 1870 (V).

This act extends the provisions of the acts of 1868 and 1869 to the Channel Islands and the Isle of Man.

Act of 1871 (VI).

This act authorizes the raising of a further sum of £1,000,000 ($5,000,000) for the purposes of the acts of 1868, 1869, and 1870.

Act of 1873 (VII).

This act explains certain doubtful points in the acts of 1868 to 1870 as to the application of the £8,000,000 ($40,000,000) raised for the purpose of the acts, and makes it clear that extensions of the system shall in the future be provided solely out of moneys annually voted by Parliament for working, maintaining, and extending telegraphs.

Acts of 1876 (VIII) and 1877 (IX).

These acts authorize the raising of two further sums of £500,000 ($2,500,000) each for the purposes of the acts of 1868 to 1870.

Act of 1878 (X).

The main provision of this act empowers the postmaster-general to establish telegraph lines on certain undertakings—railways, canals, tramways, etc., which may be authorized by act of Parliament passed after the 1st January, 1878—practically a free but not exclusive right of way for his telegraphs on new undertakings.

Post-office act of 1884 (XI).

Section 11 of this act makes it a misdemeanor to forge or to improperly divulge the purport of a telegram.

Submarine act of 1885 (XII).

This act carries into effect the international convention for the protection of submarine telegraph cables, made on the 14th March, 1884.

Act of 1885 (XIII).

This act reduces the minimum charge for the transmission of a public telegram within the United Kingdom from 1s. (25 cents) to 6d. (12½ cents). In the shilling (25 cents) telegram twenty words were allowed in addition to the addresses of the sender and receiver. In the sixpenny (12½ cents) telegram only twelve words were allowed, inclusive of addresses. The reduced charges came into force on the 1st October, 1885.

The act is as follows:

The postmaster-general, with the consent of the commissioners of Her Majesty's treasury, may from time to time make regulations for determining the hours during which the offices appointed by him to be places for the receipt and despatch of telegrams shall be open for the transaction of telegraphic business, and for fixing the sums to be from time to time paid on account of the transmission of telegrams, and on account of services rendered in connexion therewith, and on account of the use of any telegraphs by any persons, and for determining the conditions and purposes on which and for which such use may be permitted, and for the general conduct of telegraphic business: Provided, That—

(1) The charges for the transmission of written telegrams throughout the United Kingdom shall uniformly and without regard to distance be at a rate not exceeding sixpence for the first twelve words of each telegram or for each telegram of less than twelve words (counting as part of such twelve words the names and addresses of the sender and addressee of the telegram), and not exceeding one halfpenny for each additional word.

(2) The sums charged for the transmission of written telegrams shall be held to cover the costs of delivery by special foot messenger, within the limit of one mile of the terminal telegraphic office, or within the limit of the town postal delivery of that office, when it is a head post-office and the town postal delivery extends for more than a mile from it.

(3) When the addressee does not reside within the above-described limits, and the sender desires to have his telegram delivered by special foot messenger, the charge to him for porterage by such special messenger shall not exceed sixpence per double mile, or any part thereof, beyond such limits.

(4) When the addressee does not reside within the above-described limits, and the sender does not desire to incur the cost of special delivery, his telegram shall be delivered free of extra charge by the ordinary postal delivery next following on the arrival of his telegram at the terminal telegraphic office.

This act shall extend to the Isle of Man and to the Channel Islands, and the royal courts of the Channel Islands shall register the same accordingly; and for all the purposes of this act the Isle of Man and the Channel Islands shall, respectively, be deemed to be part of the United Kingdom.

Submarine act of 1886 (XIV).

This act amends the submarine act of 1885 (XIII).

Signal stations act, 1888 (XV).

This act enables the corporation of Lloyds to enter into arrangements with the postmaster-general to connect with each other or with postal telegraph stations their signal stations on the coast and islands, etc., lying near thereto.

Act of 1889 (XVI).

This act extends the telegraph act of 1878 to the Isle of Man, and makes operative in the island any provisions of previous acts not previously applicable.

Act of 1892 (XVII).

This act authorizes the raising of money (£1,000,000) ($5,000,000) to give effect to a scheme of the postmaster-general to develop the telephone system of the United Kingdom, particularly that of providing the main lines of communication; extends certain provisions of the acts 1863 to 1878 relative to way leave on roads, etc.; legalizes under certain conditions telegraph lines previously constructed irregularly or by persons other than the postmaster-general; applies the acts 1863 to 1889 to licensees of the postmaster-general with certain provisos, and authorizes the postmaster-general or his licensees to place telegraphs in the trenches, tubes, pipes, or other apparatus constructed

by duly authorized companies or persons for the purpose of electric lighting. The following is an extract from the act of 1892:

1. Whereas it is expedient to raise money with a view to carry into effect the scheme of the postmaster-general for the development of that part of the telegraphic system of the United Kingdom which is called the telephonic system, and in particular with a view to purchase and provide the main lines of telephonic communication:

Be it therefore enacted as follows:

(1) The treasury may, with the above view, issue out of the consolidated fund, or the growing produce thereof, such sums, not exceeding in the whole the sum of one million pounds, as may be required by the postmaster-general for the purposes of the telegraph acts, 1863 to 1889, and this act, according to estimates approved by the treasury.

(2) The treasury may, if they think fit, with a view to provide money for sums so authorised to be issued out of the consolidated fund or for repaying to that fund all or any part of the sums so issued, borrow by means of terminable annuities, for a term not exceeding twenty years, and all sums so borrowed shall be paid into the exchequer.

(3) The said annuities shall be paid out of moneys provided by Parliament for the service of the post-office, and, if those moneys are insufficient, shall be charged on and paid out of the consolidated fund of the United Kingdom, or the growing produce thereof, at such times in each year as may be fixed by the treasury.

The annuities shall be created by warrant of the treasury to the Bank of England, directing them to inscribe in their books the amount of such annuities in the names directed by the warrant.

Act of 1896 (XVIII).

This act authorizes the raising of a further sum of £300,000 ($1,500,000) for telegraph purposes, i. e., telephone trunk lines.

Act of 1897 (XIX).

This act amends the act of 1885 so far as it relates to charges for the delivery of telegrams.

It will be observed from the act of 1868, section 6, that the postmaster-general was required to transmit free of charge telegrams relating to the business of certain railway companies. This obligation became in time so onerous that steps were taken to limit the privilege enjoyed by these railway companies, and agreements have been concluded with most of the companies concerned converting the privilege into one of a right to send free of charge a fixed number of telegrams and a fixed number of words each year, an elastic provision being made for the excess or deficiency of one year being balanced in another year within a quadrennial period. The act of 1897 contains the following provisions:

The sums charged for the transmission of written telegrams shall cover the cost of delivery by special messenger within such limits (hereinafter referred to as the limits of free delivery) as the postmaster-general, with the consent of the treasury, may fix.

When the addressee does not reside within the limits of free delivery, and the sender does not direct that the telegram be delivered by post, the charge to the sender for the delivery of the telegram by special messenger shall not exceed such sum as the postmaster-general, with the consent of the treasury, may fix; and unless the sender prepays the charge the postmaster-general shall not be bound to deliver the telegram by special messenger.

When the addressee does not reside within the limits of free delivery, and the sender directs that the telegram be delivered by post, the telegram shall be delivered free of extra charge by the ordinary postal delivery next following on the arrival of the telegram at the terminal telegraphic office.

Any officer or clerk formerly in the service of the Submarine Telegraph Company, Limited, or of the Société Carmichael et Cie., who on the first day of April, one thousand eight hundred and eighty-nine, entered the permanent civil service of the state in an established capacity, shall, for the purposes of the superannuation acts, 1834 to

1892, be entitled to count his past years of continuous service with the company since the twenty-eighth day of January, one thousand eight hundred and seventy, as years passed in that civil service.

The definition of the term "telegram" in the act of 1869 was, on the introduction of telephones, held to include a message sent by telephone, but this view was contested in the courts of law by the Edison Telephone Company of London, Limited, and judgment given in favor of the postmaster-general.

This judgment compelled companies undertaking the business of the transmission of messages by telephone to obtain the license of the postmaster-general to enable them to carry on their undertakings legally. Licenses were granted to several companies, but these companies eventually amalgamated into one company called the National Telephone Company, Limited.

The license held by this company from the postmaster-general is dated the 29th November, 1884, and expires on the 31st December, 1911.

The scheme for the development of the telephone system (see act of 1892) is, briefly, that the postmaster-general provides and maintains the trunk lines of telephone within the Kingdom, i. e., the main lines connecting various defined exchange areas; while the National Telephone Company are restricted in their operations to those defined exchange areas which embrace the principal towns and cities of the Kingdom. The agreement on the subject between the postmaster-general and the company is dated the 25th March, 1896. A description of the exchange areas is scheduled to the agreement. The postmaster-general retains the right to grant licenses to other companies, or to do local telephone exchange business himself.

It has been explained that the postmaster-general possesses the exclusive privilege of transmitting public telegrams and performing the incidental services pertaining thereto within the United Kingdom, with certain specified exceptions.

Telegrams of the following description form the principal exceptions to the exclusive privilege, viz:

(*a*) Those for which no charge is made, transmitted by a telegraph maintained for private use, and which relate to the business or private affairs of the owner thereof.

(*b*) Those transmitted by a telegraph maintained for the private use of a corporation, company, or person, and in respect of which no money or valuable consideration may be made or given or promised to be made or given.

(*c*) Those transmitted with the written license or consent of the postmaster-general.

(*d*) Those transmitted to or from any place out of the United Kingdom.

The telegraphs of the railway companies come within the scope of exception (*b*), and, many of the company's systems being extensive, it has been found desirable in the interests of the public to arrange with these companies for the use of their systems in connection with the transmission of public telegrams.

The telegraphs of the National Telephone Company, the only company at present in the United Kingdom conducting telephone business, come within the scope of exception (*c*).

The telegraphs of the foreign cable companies fall under exception (*d*), and arrangements subsist between the postmaster-general and these companies for the handing over, to or from the postal telegraph system, of foreign telegrams. In addition to the telegraphs of the cable companies for foreign telegrams, the postmaster-general is joint owner with the respective administrations of certain telegraphs to

France, Belgium, Holland, and Germany, and the working of these foreign telegraphs is regulated by the International Telegraph Convention, 1896 edition.

Copies of the postmaster-general's reports from the year 1870 are furnished, and the historical outline of the telegraph service since 1870 contained in the report for the year 1895, pages 33 to 38, may be found to be of interest. It is as follows:

Historical outline of the telegraph service since 1870.

The lapse of twenty-five years since the transfer of the telegraphs to the post-office in 1870 affords an opportunity for a review of the development which the telegraph service has attained under national management.

The mainspring of the movement which led to the acquisition of the telegraphs by the State was the public expectation that the post-office would be able to provide, for the benefit of the nation as a whole, an improved service, at a rate which would bring it within the reach of all classes of the community, and the post-office can justly claim that this expectation has been fulfilled.

The attempt of the "United Kingdom" Company to establish a uniform rate of 1s., irrespective of distance, had failed, and in 1869 the tariff charged by that company, as well as by its older rivals, the Electric and International, and the British and Irish Magnetic, stood at 1s. for a message of 20 words for distances up to 100 miles, 1s. 6d. up to 200 miles, and 2s. beyond 200 miles in Great Britain. For messages between Great Britain and Ireland the charges ranged from 3s. to 6s. In many instances these rates, high as they were, did not cover the whole transmission of a telegram. They only applied to the wires of a single company, and where a message had to be transmitted over the systems of two or more companies an additional charge, frequently of considerable amount, was levied. [1]

Not only were the charges high, but the systems were incomplete. It was in the nature of things that companies whose aim was to secure a profit for their shareholders should restrict their operations as far as possible to the principal towns. In the absence of an obligation to work the telegraphs as a national undertaking, they naturally refrained from extensions to the smaller towns and villages or to districts remote from the chief centers of population which could not be expected to yield a remunerative business. Thus several towns in England and Wales with from 3,000 to 6,000 inhabitants were without any telegraph facilities, being situated at distances of from 5 to 10 miles from the nearest telegraph station. Where such towns were provided with telegraphic communication the office was, as a rule, situated at the railway station, frequently at an inconvenient distance from the center of the town. The telegraphs were originally confined to the railways, and to a large extent this system prevailed up to the time of the transfer. It was only in the large towns that "town offices" had been opened, and these offices were neither numerous nor suitably distributed. The business center of the town was provided with offices of each of the three competing companies clustered close together—in fact, sometimes only a few yards apart—but away from the center, and in the suburbs and outlying districts there was almost entire neglect. For instance, in Edinburgh all the telegraph offices were situated in a circle with a radius of about half a mile, leaving the rest of the city with no provision whatever. In Liverpool the money-order offices for six suburban districts were from 2 to 5 miles distant from the nearest telegraph office; in Manchester the number of money-order offices similarly situated was eleven, and in Birmingham eight.

It was a natural result of these conditions that the use of the telegraph was confined to a comparatively small section of the population. The companies themselves stated that their wires were chiefly used by "stockbrokers, mining agents, ship brokers, colonial brokers, racing and betting men, fishmongers, fruit merchants, and others engaged in business of a speculative character, or who deal in articles of a perishable nature," and the situation was thus graphically described by Mr. Scudamore in one of his reports:

"By maintaining high charges as long as they could, by reducing those charges inch by inch as it were, and only under pressure, by the confinement of their operations to important towns, and by planting their offices mainly in the business centers of those towns, the telegraph companies had brought speculative men, and speculative men only, to a free use of the telegraph. Whoever could make money on a turn of the market, whoever could advantageously place a few pounds when 'Bumblebee' went below 'Dulcibella' in the betting, whoever had it at heart to let

[1] Besides the companies here mentioned, there were the London and Provincial, the Universal Private, and a few other small companies. There was nominally a "local" rate of 6d. in London and some other large towns, but its scope was so restricted that it only applied to about 2 per cent of the total number of telegrams.

Thames street know that there was a large take of herrings at Wick, rushed cheerfully to the telegraph office, and would have submitted to any inconvenience, and paid any charge, to get his message through in time. But the general public, puzzled by a variable and complex tariff and disheartened by the distance of the telegraph offices from their doors, had got to regard the telegraph as a medium of communication which they might use in times of sore necessity, and then only, and to look upon a telegraph message with a feeling amounting to fear."

The transfer brought about an immediate change in these conditions. The post-office began its administration of the telegraphs with the moderate tariff of 1s. for twenty words, irrespective of distance, and with a system of wires which it had already been instrumental in transforming. Extensions had been made to a number of places previously without telegraphic communication and the wires had been brought to the suburbs of the larger towns and to the centers of the smaller towns formerly served from the railway stations, with the result that on the day of the transfer the post-office was in a position to open about 1,000 postal telegraph offices, situated each in the center of a distinct locality, together with about 1,900 offices at railway stations, where the railway companies dealt with public telegrams as agents of the postmaster-general. The work of extension on these lines was pushed forward rapidly. In a period of about two years as many as 2,200 additional postal telegraph offices were opened, and on the 31st March, 1872, the system comprised more than 5,000 offices (including about 1,900 offices at railway stations), 22,000 miles of line, with an aggregate of 83,000 miles of wire, and more than 6,000 instruments.

The year 1872 marked the first stage in the development of the postal telegraphs. In that year, the third of the administration by the nation, the extensions undertaken with the view of providing a fully-equipped telegraph system had practically been completed, and the result was seen in a large expansion of business. In the first year after the transfer the number of telegrams of all descriptions was about 10,000,000, in the second about 12,000,000, and in the third (the financial year ended the 31st March, 1873) over 15,000,000, or more than double the number in 1869, which was less than 7,000,000. The period from 1872 up to the adoption of the sixpenny tariff in 1885 was one of steady progress. The addition of new offices was not large, the total of 5,000 offices in 1872 having only increased to 6,000 in 1885; but great improvements were made in the means of communication between places already connected, and the increasing appreciation of the telegraph service by the public was shown in the fact that in 1885 the number of telegrams had again been more than doubled, having risen to 33,000,000.

The reduction of the tariff in 1885 opened a new era. A comparison of the old tariff of 1s. for 20 words, with 3d. for each additional group of 5 words, and the new tariff of 6d. for 12 words, with ½d. for each additional word, is complicated by the fact that the free addresses allowed under the former tariff were abolished under the latter. But the point that can be clearly seen is that whereas it had been impossible to send a telegram, however short, at a less charge than 1s., a telegram of 12 words could now be sent for 6d. The fact that addresses were now charged for did not prevent the senders of telegrams from so reducing the number of chargeable words as to obtain the full benefit of the lower tariff. The actual length of the telegrams was largely curtailed, especially in the addresses, and economy was effected through the operation of certain new rules, one of which prescribed that figures, formerly chargeable each as a single word, should be counted at the rate of five figures to a word. In the result a large proportion of the total number of telegrams was brought within the minimum charge of 6d., while the average charge, which had been 1s. 1d. in 1885, was reduced to about 8d. in 1886, and has since fallen below 7¾d.

Under the reduced tariff, telegraph business again received a powerful stimulus. The charge was so low as to popularize the telegraph service still further and to render it available for purposes for which it had not hitherto been used. In particular it became adapted to the requirements of local traffic; and in London the local telegrams were more than doubled in about two years, having risen from about 1,800,000 in 1884–85 to 3,800,000 in 1886–87.

The post-office has had to contend with an increasing competition on the part of the telephone companies, who have chiefly competed in that class of business, the local traffic, which afforded, under the new tariff, the greatest promise of growth. It is stated by the National Telephone Company that the volume of their business is equivalent to 280,000,000 messages of an average length of 100 words. A certain proportion of this vast business would undoubtedly, in the absence of the telephone, have been transacted by telegraph; but, notwithstanding the loss to the telegraph service in this respect, a development exceeding that between 1870 and 1885 has actually occurred. The number of telegrams of all descriptions, which had reached 33,000,000 in 1884–85, rose to 50,000,000 in 1886–87 and 62,000,000 in 1889–90, while in the financial year just expired a total of 71,589,000 has been attained. With the possible exception of the United States, for which complete statistics are not avail-

able, no other country in the world makes so extensive a use of the telegraph. In France the number of public telegrams is about 42,000,000, in Germany 33,000,000, in Austria and Hungary 18,000,000, in Russia 13,000,000, and in Italy 10,000,000. In the United Kingdom about 184 telegrams are sent for every hundred persons, as compared with 108 for the same number of persons in France, 66 in Germany, 42 in Austria-Hungary, 31 in Italy, and 10 in Russia. The nearest approach to the United Kingdom in this view is Switzerland, where the number of telegrams per hundred persons is about 127; even Belgium does not produce more than 87 per hundred persons. An adequate idea of the volume of telegraph business in the United Kingdom can not, however, be gathered from these figures alone. The tariff for press telegrams in this country, working out, as it does, on the average, at about 4½d. per 100 words, is the lowest in the world, and the amount of work performed for the press is without a parallel in any other country. Although the press telegrams, 5,400,000 in number, are included in the total of 71,589,000, no allowance is made for their exceptional length. Being of an average length of about 120 words, they contain an aggregate of about 650,000,000 words, as compared with an aggregate of about 970,000,000 in all other telegrams. Under the arrangements for news telegraphy this number of words does not, it is true, entail on the post-office a corresponding amount of work; but it is a striking fact that the words dealt with for the press form no less than two-fifths of the total number of words.

The growth of the whole business since 1870 (from less than seven to more than seventy-one millions) has been more than tenfold. The number of offices has increased from 3,000 to nearly 10,000. The system, including submarine cables, now consists of about 35,000 miles of line, as compared with 15,000 in 1870, and about 215,000 miles of wire, as compared with 60,000, while the number of instruments has increased from about 4,000 to over 26,000.

But for the improvements which have been effected in telegraphy since 1870, the increase in the mileage of wire and the number of instruments must necessarily have been much greater. It was urged at the time of the transfer that the possession by the Government of a monopoly in telegraphs would tend to discourage invention. To this contention the progress achieved in the technical department of the telegraph service is a sufficient answer. Partly through the adoption of outside inventions (with due recognition of the rights of the inventors) and partly through improvements devised by its own staff the post-office has succeeded in largely increasing the working capacity of the wires. The improvements are too numerous to be set forth in detail, but it may be well to mention some of the more striking. In 1870 each wire only afforded a single channel for communication. At the present time a single wire can be used for the simultaneous transmission of two messages under the duplex system (which may be said to be the normal method of working between busy offices), four under the quadruplex system, and six under the multiplex system. These inventions were obtained by the post-office from outside (the duplex from Mr. Stearns, the quadruplex from Mr. Edison, and the multiplex from Mr. Delany), but their value for practical purposes is largely due to the efforts of the officers of the post-office to develop and improve them. No less important than this increase in the number of available channels of communication is the improvement in the speed of working. In 1870 a speed of from 60 to 80 words per minute was the highest which could be attainad in the working of the Wheatstone automatic apparatus. At the present time a speed of 600 words per minute has become possible, and a working speed of 400 words is the fixed standard for certain circuits. The duplex system has been successfully applied to the automatic apparatus, with the result that many circuits are working at a speed of 250 words per minute in two directions. Two copper wires between London and Dublin are working on the duplex system at even 300 words per minute, whereas under the conditions of 1870 they would only have given about 40 words in one direction as a maximum. The "repeaters" used for strengthening the current on long circuits have also been greatly improved. In the absence of repeaters it would be impossible to obtain a higher speed than 40 words per minute between London and Aberdeen, whereas with repeaters at Leeds and Edinburgh, a speed of 350 words is attained.

The financial side of the telegraphs, unfortunately, does not present so favorable an aspect. It is undoubtedly a matter for concern that during the year ended the 31st March last the expenditure exceeded the revenue by about £154,000, to which must be added the interest (£298,000) on the capital expenditure incurred at the transfer, making the total loss for the year about £452,000. In the period of twenty-five years since 1870 the receipts show a balance of about £1,795,000 in excess of the expenditure, but they fall far short of meeting the interest on capital, the aggregate deficiency in this respect being £5,859,000.

The large price paid as purchase money on the terms authorized by Parliament is one of the factors which have contributed to the unfavorable financial results of the working of the telegraphs. The expenditure on capital account amounted to about £10,130,000. Of this amount about £2,130,000 was expended on extensions, and the remainder, £8,000,000, in the purchase of the undertakings of the telegraph com-

panies and the interest of the railway companies in public telegraphs. It is generally held that the companies were liberally treated, and in certain cases a price which must be regarded as excessive had to be paid.

The right, accorded to the railway companies at the time of the transfer, of sending postal telegrams free of charge has proved another burden. The number of the railway free telegrams, at first insignificant, increased out of all proportion to the growth in ordinary public telegrams, until in 1891 it reached a total of about 1,600,000 telegrams, representing, at 1s. ½d. per telegram (the average length being 25 words), a value of over £80,000 per annum. It is, however, a matter for satisfaction that arrangements have recently been made under which this burden is materially lessened, while a barrier is imposed against future growth.

A still more serious burden is caused by the loss on press telegrams. The charge specified in the telegraph act of 1868 for press telegrams is 1s. for 75 words during the day or for 100 words at night; but a proviso was added that for copies the charge was to be only 2d. per 75 or 100 words, and no condition was laid down as to the copy being for the same town as the original. The newspapers accordingly combined to receive, from the news associations, messages in identical terms, and by dividing the cost they are enabled to get the benefit of a rate which comes nearer 2d. than 1s., the average charge being, in fact, about 4½d. per 100 words. Notwithstanding the economical arrangements which have been made for the transmission of the telegrams (5,400,000 in number, containing 650,000,000 words), the loss incurred by the post-office in dealing with them is estimated to amount to £300,000 per annum.

These unfavorable conditions have permanently affected the telegraphs. They must in any case have diminished the possibility of profit, and in the actual circumstances their effect has been to augment the loss. Moreover, new influences inimical (temporarily if not permanently) to financial success have come into play, namely, the reduction of the tariff in 1885, the increase in the pay of the staff, and the competition of the telephone companies for local traffic.

The results of the alteration of the tariff in 1885 have been described in an earlier paragraph. While the average amount received for a telegram was reduced from 1s. 1d. to 7¾d., a large addition was made to the main element of cost, namely, the pay of the staff. The proportion of the amount expended on salaries and wages to the total telegraph expenditure, which in 1881, before the revision carried out by Mr. Fawcett, stood at about 55 per cent, has since risen, as the result of that revision and the revision effected by Mr. Raikes in 1890, to about 65 per cent. At the same time, the competition of the telephone companies deprived the post-office of a large portion of what was once the most promising and the most remunerative part of its business. There has, it is true, been a development of local telegraph traffic since 1885, but in recent years the increase has been materially checked. In certain cases the traffic conducted by the post-office in the large towns, or between large towns situated at a short distance from each other and connected by the trunk wires of the National Telephone Company (as, for example, between Glasgow and Greenock and between Liverpool and Manchester), has suffered an actual diminution.

Against the loss of money incurred on the telegraphs must be set the benefits which the system confers on the community. That an expeditious service, extending into every part of the United Kingdom, is provided at a charge of less than 8d. per telegram, is an advantage for the whole nation which may be regarded as at least commensurate with the sacrifice entailed by the financial loss. The amount provided by the taxpayers to meet the deficit is not lost; it is virtually repaid in services for which a higher charge would otherwise have had to be levied, and the main object of the acquisition of the telegraphs by the State may be said to have been realized in the attainment of a development to which no other country affords a parallel. The post-office has to admit a deficit on the working of the telegraphs, but its 71,000,000 telegrams bear testimony to the value of the service which it renders to the public.

Copies of the regulations made pursuant to the acts are also furnished as well as a copy of the current issue of the Post-Office Guide.

It will be gathered that simple answers can not readily be given to the questions concerning the telegraph system asked in the Department of State's circular of the 17th July; but the following answers, together with the foregoing explanations, may furnish the information desired:

9. Does the Government own either the telegraphs or telephones of Great Britain; and if so, when and how did it acquire them?

The Government are owners of the main system of telegraphs and telephones for public business. (See telegraph acts and also judgment of high court of justice in the case of the Attorney-General *v.* The Edison Telephone Company of London, Limited.)

10. If the Government of Great Britain purchased the lines of private telegraph or telephone companies, how was the price paid for the same determined? If by appraisers, how were they appointed?

(See telegraph acts.) The telegraph act of July 31, 1868, contains these provisions:

Whereas the means of communication by electric telegraphs within the United Kingdom of Great Britain and Ireland are insufficient, and many important districts are without any such means of communication:

And whereas it would be attended with great advantage to the State, as well as to merchants and traders, and to the public generally, if a cheaper, more widely extended, and more expeditious system of telegraphy were established in the United Kingdom of Great Britain and Ireland, and to that end it is expedient that Her Majesty's postmaster-general be empowered to work telegraphs in connexion with the administration of the post-office:

May it therefore please your Majesty that it may be enacted; and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

It shall be lawful for Her Majesty's postmaster-general and he is hereby authorized, with the consent of the lords commissioners of Her Majesty's treasury, from time to time, out of any monies which may be from time to time appropriated by act of Parliament and put at his disposal for that purpose, to purchase, for the purposes of this act, the whole, or such parts as he shall think fit, of the undertaking of any company, and any undertaking and all other property purchased under the powers of this act shall be vested in and held by Her Majesty's postmaster-general, in his corporate capacity, and his successors: Provided always, that no such purchase be made, and that no agreement other than the agreements confirmed by this act for any such purchase be binding, unless the said agreement, accompanied by a minute from the commissioners of Her Majesty's treasury, in which the grounds of the agreement shall be set forth, shall have lain for one month on the table of both Houses of Parliament without disapproval.

Any company, with the authority of two-thirds of the votes of their shareholders present in person or by proxy at a general meeting of the company specially convened for the purpose, may sell all or any portion of their undertaking to the postmaster-general for such sum of money as may be mutually agreed upon between the postmaster-general and the company; and the execution by any company under their common seal of a conveyance to the postmaster-general, duly stamped, of their undertaking, shall be sufficient to vest the same in the postmaster-general for all the estate, right, title, and interest of the company therein, with all incidental rights, privileges, and easements, and the same may be used, exercised, and enjoyed by the postmaster-general in the same manner and to the same extent as the same respectively are, or if this act had not been passed might be held, used, exercised, and enjoyed by any company, and the receipt of two of the directors of any company for the purchase money, indorsed upon the deed of conveyance, shall be a sufficient discharge for the same to the postmaster-general, who shall not be bound to see to the distribution thereof.

If the postmaster-general shall acquire any one undertaking under the powers of this act he shall, upon the request, in writing, of any company possessing an undertaking established by special act of parliament or royal charter at the time of the passing of this act, purchase the undertaking of such company, upon terms to be settled (failing agreement) by arbitration, provided such request be made within twelve calendar months after the postmaster-general shall have so acquired any one undertaking; and any railway company possessed of a telegraph open to the use of the public on the first of January, one thousand eight hundred and sixty-eight, for transmitting messages for money, or possessing any beneficial interest in such telegraph, shall be included in this provision, and any such railway company shall be entitled, upon a like request in writing, to require the postmaster-general to purchase the right of such railway company to transmit such messages or other beneficial interest.

Provided always, that nothing in this act shall enable the postmaster-general to purchase the undertakings of the Atlantic Telegraph Company or of the Anglo-American Telegraph Company (Limited), or any part of such undertakings.

With respect to the purchase of the undertakings of the Electric and International Telegraph Company, the British and Irish Magnetic Telegraph Company, and the United Kingdom Electric Telegraph Company (Limited), be it enacted as follows:

Each of the three companies may, with the authority of two-thirds of the votes of its shareholders, present in person or by proxy at a general meeting of the com-

pany specially convened for the purpose, sell and convey, and the postmaster-general shall upon demand of the company under its common seal purchase, the whole undertaking of the said company.

The price to be paid by the postmaster-general to each company for its undertaking shall be twenty years purchase of the net profits during the year ending on the thirtieth day of June, one thousand eight hundred and sixty-eight, from the undertaking so conveyed; and in the case of the United Kingdom Company there shall be paid in addition to the amount aforesaid—

First. The price paid by the company for the patent of "Hughes's type-printing telegraph," such price not to exceed twelve thousand pounds;

Secondly. A sum equal to the estimated aggregate value of the quoted ordinary share capital of the company reckoned on the highest quotation shown in the official lists of the London Stock Exchange on any day between the first and the twenty-fifth days of June, one thousand eight hundred and sixty-eight; and

Thirdly. Compensation for the loss of the prospective profits of the company on the ordinary shares, and any sum that may be determined upon in consideration of the efforts made by the company to establish an uniform shilling rate for the conveyance of telegraphic messages.

If any difference arises between the postmaster-general and any of the said companies concerning the amount of such net profits as aforesaid, or in the case of the United Kingdom Company as to the price paid for "Hughes's type-printing telegraph," or as to the estimated aggregate value of the share capital or the compensation for the loss of prospective profits, or the sum to be paid in consideration of the efforts of the company to establish an uniform shilling rate, every such difference shall be settled by arbitration in the manner prescribed by "the companies clauses consolidation act, 1845," with respect to the settlement of disputes by arbitration, and the provisions of that act with respect to arbitation shall be deemed to be incorporated with this act.

Every officer and clerk of any company, the undertaking of which may be so purchased, who has been not less than five years in the service of telegraph companies, and in the receipt of a yearly salary, or who has been not less than seven years in the service of telegraph companies, and is in receipt of remuneration at a rate of not less than fifty pounds a year, shall, if he receives no offer of an appointment by the postmaster-general in the telegraphic department, which shall be deemed by an arbitrator appointed by agreement, or, failing agreement, appointed by the recorder of London for the time being, to be of equal value to the appointment held by him under any company, receive during his life from the postmaster-general, by way of compensation for the loss of his office, from the time at which the Government takes possession of the company's telegraph, an annuity, payable half-yearly, equal, if he shall have been in the service of telegraph companies twenty years, to two-thirds of the annual emolument derived by him from his office on the twenty-fourth day of June, one thousand eight hundred and sixty-eight, and with respect to any such person who has been in such service less than twenty years the said annuity shall be diminished at the rate of one twentieth for every year less than twenty years during which he has been in such service. Such officers and clerks as enter into the service of the postmaster-general shall be entitled to count their past years of continuous service with the telegraph companies as years passed in the civil service of the Crown, and all such officers and clerks upon their appointment be deemed to be, to all intents and purposes, officers and clerks in the permanent civil service of the Crown, and shall be entitled to the same but no other privileges.

11. If the telegraphs or telephones of Great Britain have been purchased by the Government, what was the original cost of constructing them, and what price did the Government pay for the same?

The original cost of constructing the telegraphs, acquired by the Government under the telegraph acts of 1868, can not be ascertained. The price paid was about £7,000,000 ($35,000,000), inclusive of compensation for loss of prospective business, etc. The price paid to the National Telephone Company for their trunk wires was £459,114 3s. 7d. ($2,295,571).

12. What were the annual receipts and expenditures of the telegraphs and telephones under private management, and what have been the annual receipts and expenditures of the same under Government management?

There is no available information as to the receipts and expenditure of the telegraphs and telephones under private management.

The annual revenue and expenditure under Government management is given in the copy of account issued by the treasury on 2d February, 1897, as follows:

An account showing the gross amount received and the gross amount expended in respect of the telegraph service from the date of the transfer of the telegraphs to the State to March 31, 1896.

	Amounts received by the—			Value of telegraph services performed for other public departments without remuneration.	Pounds sterling changed into dollars.		
	Post-office in respect of telegrams, private wire rentals, etc.	Office of works, London, and office of public works, Dublin, for old materials.	Stationery office for waste paper, etc.		Total receipts.	Balance of expenditure over receipts.	Total.
Year ended Dec. 31—	£ s. d.	£ s. d.	£ s. d.	£ s. d.			
1870	609,734 19 1	.....	1,100 0 0	1,466 11 1	$3,061,507	.....	$3,061,507
1871	732,365 11 2	.....	1,250 0 0	1,774 8 11	3,676,950	.....	3,676,950
1872	970,083 6 9	.....	1,409 0 0	1,839 19 4	4,866,661	.....	4,866,661
1873	1,045,543 19 4½	.....	1,268 0 0	2,350 8 7	5,245,811	.....	5,245,811
1874	1,160,538 0 1	2 5 1	1,350 0 0	5,854 15 8	5,838,925	.....	5,838,925
Quarter ended Mar. 31, 1875 *a*	242,505 7 0½	8 9 11	326 0 0	3,518 19 6			
Year ended Mar. 31—					7,669,911	.....	7,669,911
1876 *a*	1,276,662 8 8	14 19 3	1,252 0 0	9,964 1 7			
1877	1,313,106 17 6½	27 9 10	1,335 0 0	13,845 15 3	6,641,575	.....	6,641,575
1878	1,333,542 8 2½	21 6 7	1,688 0 0	17,417 3 8	6,763,344	.....	6,763,344
1879	1,346,892 6 10	142 18 10	1,830 0 0	20,602 13 11	6,847,349	.....	6,847,349
1880	1,452,489 3 6	507 1 1	1,417 0 0	15,382 1 11	7,398,976	.....	7,398,976
1881	1,610,908 5 1¾	692 13 3	2,807 0 0	19,478 16 5	8,169,733	.....	8,169,733
1882	1,630,443 0 8	67 2 8	1,960 0 0	21,920 10 2	8,271,953	.....	8,271,953
1883	1,740,063 16 3½	40 17 7	1,878 6 3	26,087 10 0	8,840,352	.....	8,840,352
1884	1,760,898 12 11¾	32 0 2	2,517 15 0	25,775 2 5	8,946,117	$98,485	9,044,602
1885	1,755,118 14 9½	69 7 0	2,128 15 10	27,097 8 2	8,922,071	181,750	9,103,821
1886	1,758,169 10 9¼	350 2 11	1,748 0 0	26,997 0 0	8,936,023	225,185	9,161,708
1887	1,855,686 1 5	78 15 5	2,188 0 0	29,206 17 10	9,435,798	727,363	10,163,161
1888	1,959,406 3 11¾	800 7 3	2,158 6 4	30,584 5 11	9,964,745	30,420	9,995,165
1889	2,094,048 1 10¾	438 19 8	2,063 4 2	33,414 14 7	10,649,825	.....	10,649,825
1890	2,325,714 18 11½	270 1 8	1,785 0 0	36,328 19 1	11,820,495	.....	11,820,495
1891	2,416,690 17 10¾	2,044 14 5	1,648 0 0	36,380 9 7	12,283,820	.....	12,283,820
1892	2,508,138 2 4½	136 10 6	1,748 0 0	35,588 18 9	12,728,058	451,417	13,179,475
1893	2,486,791 5 1½	.....	.....	39,520 18 1	12,631,560	833,411	13,464,971
1894	2,534,264 10 5½	.....	.....	44,941 12 3	12,896,030	892,195	13,788,225
1895	2,598,985 10 1½	.....	.....	47,428 13 1	13,232,070	708,188	14,940,258
1896	2,835,748 17 7½	.....	.....	44,045 10 11	14,398,972	202,738	14,601,710
Total	45,354,540 18 8½	5,746 3 1	38,855 7 7	618,544 6 8	230,138,431	4,351,152	234,490,083

a By the fourth section of the act 39 Vict., c. 5, the period for which the parliamentary account of the receipts and expenditures of the telegraph service is to be rendered was altered from the year to 31st December to the year to 31st March.

An account showing the gross amount received and the gross amount expended in respect of the telegraph service from the date of the ... graphs to the State to March 31, 1896.

	Amounts expended by the—							Pounds sterling changed into dollars.		
	Post-office in respect of salaries, wages, maintenance, etc.	Office of works, London, in respect of the telegraph service. *b*	Stationery office in respect of the telegraph service. *c*	Office of works, Dublin, in respect of the telegraph service.	Inland revenue department in respect of stamps for telegrams.	Treasury in respect of rates and contributions in lieu of rates.	Exchequer and audit department in auditing the accounts of the telegraph service.	Total expenditure.	Balance to meet interest on stock created on account of the telegraph service and the redemption of debt.	Total.
Year ended Dec. 31—	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.			
1870	347,058 11 4½	.....	.....	2,213 13 2	1,004 0 0	.....	100 0 0	$1,751,881	$1,309,626	$3,061,507
1871	487,544 12 1	.....	.....	6,569 4 2	1,462 0 0	.....	1,119 0 0	2,483,474	1,193,475	3,676,949
1872	825,275 16 6¼	.....	.....	5,521 7 9	1,781 0 0	.....	1,330 0 0	4,169,541	697,120	4,866,661
1873	949,587 6 4¾	.....	.....	2,621 14 2	2,001 0 0	.....	1,960 0 0	4,780,850	464,962	5,245,812
1874	1,052,626 12 2½	20,334 11 1	.....	5,489 2 4	1,490 0 0	.....	1,996 16 10	5,409,685	429,039	5,838,724
Quarter ended Mar. 31, 1875 *a*	310,544 2 7¼	10,130 2 9	.....	2,315 7 11	345 0 10	.....	462 14 10	1,618,987	516,361	7,669,911
Year ended Mar. 31—										
1876 *a*	1,031,526 10 9¼	24,555 9 0	39,968 0 0	3,501 8 9	5,550 0 0	.....	1,811 5 2	5,534,563		
1877	1,123,787 14 10¾	41,572 8 7	32,248 0 0	6,008 13 10	3,293 1 9	.....	1,491 18 4	6,042,009	599,566	6,641,575
1878	1,164,113 19 10½	32,688 8 4	24,836 3 1	2,174 19 8	2,129 12 5	.....	1,617 9 4	6,137,803	625,541	6,763,344
1879	1,089,392 3 0¾	39,109 16 10	25,810 0 0	1,998 5 10	2,122 12 0	1,744 17 3	1,373 8 4	5,807,755	1,039,584	6,847,339
1880	1,111,483 11 6	37,024 13 11	18,884 0 0	2,021 13 2	1,993 7 4	716 18 9	1,162 1 8	5,866,436	1,482,540	7,348,976
1881	1,242,092 4 3¼	36,684 13 10	23,911 0 0	1,977 12 4	1,938 9 1	703 14 4	1,146 5 5	6,542,269	1,627,163	8,169,432
1882	1,365,632 12 3¼	47,666 19 7	22,118 0 0	2,249 13 5	710 0 0	768 5 4	1,352 16 3	7,202,491	1,069,461	8,271,952
[illegible]	1,504,203 16 7¼	52,197 10 9	21,761 0 0	2,498 15 10	741 0 0	913 15 8	1,560 19 2	7,919,384	920,968	8,840,352
[illegible]	[illegible] 7 1¾	69,459 12 1	24,349 0 0	2,517 15 6	168 0 0	870 12 4	1,911 5 0	9,044,603	.....	9,044,603
[illegible]	[illegible]	[illegible] 0 8	24,169 0 0	2,834 9 7	166 0 0	1,002 15 9	2,346 12 8	9,103,821	.....	9,103,821
[illegible]	[illegible]	[illegible]	[illegible] 0 0	3,331 6 5	237 0 0	1,155 4 10	2,161 1 7	9,162,009	.....	9,162,009
[illegible]	[illegible]	[illegible]	[illegible]	[illegible] 0 11	334 0 0	1,104 12 9	2,193 9 7	10,163,162	.....	10,163,162

1894	2,641,019 12 11¾	63,872 7 5	37,048 0 0	5,062 5 3	411 0 0	8,555 11 6	1,676 5 2	13,788,225	.....	13,788,225
1895	2,665,845 7 11¾	71,733 10 4	35,722 0 0	3,328 11 2	398 0 0	9,276 6 3	1,753 0 1	13,940,259	.....	13,940,259
1896	2,772,166 5 9¼	92,878 7 6	33,702 0 0	4,021 6 8	410 0 0	15,387 14 4	1,776 5 11	14,601,710	.....	14,601,710
Total	42,314,413 12 7¼	1,189,723 6 11	633,986 3 1	88,549 0 0	31,077 2 7	48,640 9 6	44,645 18 11	221,254,968	12,184,905	233,440,073

a By the fourth section of the act 39 Vict., c. 5, the period for which the Parliamentary Account of the receipts and expenditure of the telegraph service is to be rendered was altered from the year to 31st December to the year to 31st March.

b The Telegraph Expenditure of the Office of Works, London, was partly charged to the telegraph capital account, and partly to the Telegraph Vote, prior to 1st April, 1874.

c The Telegraph Expenditure of the Stationery Office was charged to the Telegraph Vote, prior to 1st April, 1875.

Statement of the application of the balances of telegraph revenue shown in the preceding account toward the interest and redemption of the stock created on account of the telegraph service.

[Pounds sterling changed into dollars.]

	Years ended Dec. 31—					15 months ended Mar. 31, 1876.	Year ended Mar. 31, 1877.
	1870.	1871.	1872.	1873.	1874.		
Balances to meet interest on stock created on account of the telegraph service and for the redemption of debt, brought down	$1,309,626	$1,193,476	$697,120	$464,961	$429,039	$516,361	$599,566
Amount of interest on the stock	1,072,500	1,165,406	1,219,954	1,354,904	1,468,529	1,474,529	1,535,861
Amounts applicable to a sinking fund	a 237,126	b 28,070	.....	.....	.....	.....	.....
Deficiencies	.....	.....	594,834	889,943	1,039,490	958,168	936,295

	Year ended March 31—						
	1878.	1879.	1880.	1881.	1882.	1883.	1884.
Balances to meet interest on stock created on account of the telegraph service, and for the redemption of debt, brought down	$625,541	$1,039,584	$1,482,540	$1,627,164	$1,069,461	$920,968	c $98,485
Amount of interest on the stock	1,570,873	1,610,182	1,632,085	1,632,085	1,632,085	1,632,085	1,632,085
Amount applicable to a sinking fund	.....	.....	.....	.....	.....	.....	.....
Deficiencies	945,332	570,598	149,545	4,921	562,624	711,117	1,730,570

a The sum of $273,859 stock was canceled with $254,346, the surplus shown by Parliamentary Paper No. 69, of 1872.

b The sum of $64,150 stock was canceled with $58,698, the surplus shown by Parliamentary Paper No. 386, of 1872.

c Deficiencies.

Statement of the application of the balances of telegraph revenue shown in the preceding account toward the interest and redemption of the stock created on account of the telegraph service—Continued.

	Year ended March 31—					
	1885.	1886.	1887.	1888.	1889.	1890.
Balances to meet interest on stock created on account of the telegraph service, and for the redemption of debt, brought down	*a* $181,750	*a* $225,685	*a* $727,363	*a* $30,419	$443,019	$425,565
Amount of interest on the stock	1,632,085	1,632,085	1,632,085	1,632,085	1,768,935	1,530,080
Amount applicable to a sinking fund						
Deficiencies	1,813,835	1,857,770	2,359,448	1,662,504	1,325,916	1,104,515

	Year ended March 31—						Total.
	1891.	1892.	1893.	1894.	1895.	1896.	
Balances to meet interest on stock created on account of the telegraph service, and for the redemption of debt, brought down	$340,915	*a* $451,417	*a* $833,412	*a* $892,195	*a* $708,188	*a* $202,738	$3,833,275
Amount of interest on the stock	1,496,078	1,494,417	1,494,441	1,494,441	1,494,441	1,494,441	39,500,790
Amount applicable to a sinking fund							265,196
Deficiencies	1,155,163	1,945,834	2,327,853	2,386,636	2,202,629	1,697,179	30,932,730

a Deficiency

§Includes $136,850 for bonus on conversion of 3 per cent stock into 2¾ per cent stock.

13. At the time of the transfer of the telegraphs and the telephones of Great Britain to the Government how many offices and how many miles of wire of each were in Great Britain, and how many offices and miles of wire of each are there now?

The particulars at the time of the transfer can not be given. There are now, approximately, 10,000 postal telegraph and telephone offices and 230,000 miles of wire.

14. How does the cost of the extensions of telegraphs or telephones which have been made by the Government of Great Britain compare with the original cost of construction of the telegraphs or the telephones of Great Britain by private companies?

No comparison can be made, the original cost of construction by private companies being unascertainable. (See question 11.)

15. Does the Government of Great Britain sell telegraphic and telephonic stamps for the convenience of the public in paying for the transmission of telegrams and telephonic messages; and if so, how many denominations of such stamps are issued?

The ordinary postage stamp is sold to the public for use in the prepayment of telegrams. There are no distinctive stamps for telegraphs or telephones. The denominations are: ½d., 2½d., 5d., 2s. 6d. (1, 5, 10, and 60 cents); 1d., 3d., 6d., 5s. (2, 6, and 12 cents and $1.25); 1½d., 4d., 9d., 10s. (3, 8, and 18 cents and $2.50); 2d., 4½d., 10d., £1 (4, 9, and 20 cents and $5); 1s. and £5 (25 cents and $25).

The charges for telephone conversations are usually paid for at the time in cash, unless the user of the telephone is a subscriber to an exchange, and then an account is kept against him.

Trunk-wire conversations are generally paid for in cash.

16. What system has been adopted for accounting for the sale of telegraphic and telephonic stamps by the postal authorities and for the cancellation of such stamps?

No special telegraphic (or telephone) stamps are used in this country. The charges on telegrams are accounted for by means of postage stamps, which are canceled by an impression of a dated stamp by the clerks accepting the telegrams from the public. The telegrams from all offices are forwarded day by day to the chief office (London for England and Wales, Edinburgh for Scotland, and Dublin for Ireland). On arrival at the chief office the telegram forms are first examined, in order that it may be seen whether the charges on each telegram have been duly accounted for by means of postage stamps, and whether these stamps have been duly canceled. The total amount of the daily charges for each office is then arrived at, by means of a mental cast, and recorded. On the basis of the sum total of the amounts thus recorded a transfer is made periodically from the credit of postal revenue, to which all stamps are credited in the first instance, to the credit of telegraph revenue, in order to adjust the accounts.

17. To how many words is the ordinary telegraphic or telephonic message restricted, and what is the charge for such messages?

There is no restriction to the number of words an ordinary telegram may contain, but the minimum charge for an inland telegram (with a maximum of 12 words) is 6d. (12½ cents). Telephone conversations are restricted to a time limit only. The charges are given on the inclosed list and in the Post-Office Guide. They are as follows:

Charges for telephone trunk-wire conversations not exceeding three minutes.

When the conversation is between a subscriber to an exchange of the National Telephone Company and a subscriber to a post-office telephone exchange, in either

direction, the following additional charges, which also apply in either direction to a conversation between a call office of the company and a post-office, are made:

[For each period of three minutes.]

When the trunk-wire charge for three minutes' conversation does not exceed 1s. 6d. (38 cents)	3d. (6 cents).
When the trunk-wire charge for three minutes' conversation exceeds 1s. 6d. (38 cents), but does not exceed 3s. (75 cents)	4d. (8 cents).
When the trunk-wire charge for three minutes' conversation exceeds 3s. (75 cents)	6d. (12 cents).

Trunk-wire charges from London to towns in Great Britain run from 2s. (50 cents) to Manchester and Liverpool to 5s. 6d. ($1.37½) to Belfast and 6s. 6d. ($1.62½) to Dublin.

18. What is the general internal tariff for private telegrams and telephonic messages, as regulated by the number of words and distances?

The charge throughout the United Kingdom is uniform for telegrams, viz: ½ d. (1 cent) per word, with a minimum of 6d. (12½ cents). (See list of charges from London.) Exchange subscribers generally are entitled to speak within the "exchange area" without special charge. Callers (nonsubscribers) as a rule pay a fee of 3d. (6 cents) within the "exchange area."

19. What is the tariff for press telegrams and telephonic messages?

The ordinary tariff applies to press messages sent by telephone. The charges for written telegrams for the press are shown on the public circular relative to press messages, as follows:

One shilling for every 100 words, or fraction of 100 words, between 6 p. m. and 9 a. m. and 1s. for every 75 words, or fraction of 75 words, between 9 a. m. and 6 p. m.

When a message is sent to more than one address 2d. for every 100 or 75 words, as the case may be, sent to each additional address.

The addresses need not be in the same town.

A message, if handed in at 9 a. m. precisely, will be charged at the day rate, and if handed in at 6 p. m. precisely at the night rate.

The names and addresses of the senders and addresses of press telegrams are not counted or charged for.

Figures are counted and charged for at the rate of one word for each figure.

If the receiver of a press message doubts the accuracy of any portion of it he may have the doubtful portion repeated on depositing the sum of 6d. for each 100 or 75 words, according to the time of night or day at which the application for a repetition is made. In the event of any error having been made in transmission the money will be refunded.

Conditions.—A press message must be addressed to public newspapers or institutions which have been registered at the general post-office.

It must be addressed to a newspaper at its registered address. If addressed to the editor, publisher, or other member of the staff by name it will be liable to be charged at the full rate for ordinary messages. It must contain matter solely for publication in the newspaper to which it is addressed.

Telegrams sent to a newspaper, but not intended for immediate publication in that newspaper, are chargeable at the full rate for ordinary messages.

Telegrams sent to newspapers at the press rates must not be exhibited at the newspaper offices for public inspection.

The postmaster-general will not be liable for any loss or damage which may be incurred or sustained by reason or on account of any mistake or default in the transmission or delivery of a telegram.

20. What is the average number of words sent daily for the press?

About 2,000,000 written words.

21. What is the annual value of the work performed by the telegraphs and telephones?

The amount of gross receipts for the year ended 31st March, 1896, was £3,261,111 9s. 9d. ($16,305,557).

THE INTERNATIONAL TELEGRAPH CONVENTION OF ST. PETERSBURG.

ARTICLE 1.

The high contracting parties recognize the right of all persons to correspond by means of the international telegraphs.

ARTICLE 2.

They undertake to adopt all necessary measures to ensure the secrecy and prompt despatch of the correspondence.

ARTICLE 3.

They, however, declare that they accept no responsibility on account of the service of international telegraphy.

ARTICLE 4.

Each Government undertakes to devote to the international telegraph service special wires, sufficiently numerous to ensure the rapid transmission of telegrams.

These wires shall be established and worked in the most efficient manner known to the experience of the service.

ARTICLE 5.

Telegrams are classed in three categories:

1st. Government telegrams: those which emanate from the chief of the State, ministers, commanders in chief of land or sea forces, and diplomatic or consular agents of the contracting governments; also the replies to such telegrams.

2nd. Service telegrams: those which emanate from the telegraph administrations of the contracting States, and which relate either to the service of the international telegraphs or to objects of public interest agreed upon between the said administrations.

3rd. Private telegrams.

In transmission Government telegrams take precedence of other telegrams

ARTICLE 6.

Government and service telegrams may be sent on all occasions in secret language.

Private telegrams in secret language may be exchanged between two States which admit that class of correspondence.

States which do not admit private telegrams in secret language to emanate from or terminate at their offices, must allow them to pass in transit, unless the service be suspended, as defined in article 8.

ARTICLE 7.

The high contracting parties reserve to themselves the power to stop the transmission of any private telegram which may appear dangerous to the security of the State, or which may be contrary to the laws of the country, to public order, or decency.

ARTICLE 8.

Each Government also reserves to itself the power to suspend the service of international telegraphs for an indefinite period, if it deem necessary, either generally or only upon certain lines and for certain classes of correspondence, upon condition that it immediately advises each of the other contracting Governments.

ARTICLE 9.

The high contracting parties undertake to enable every sender to profit by the different arrangements agreed upon between the telegraph administrations of the contracting States, for the purpose of giving additional guarantees and facilities for the transmission and delivery of messages.

They also undertake to enable him to profit by the arrangements made and notified by any one of the other States for the employment of special means of transmission or delivery.

ARTICLE 10.

The high contracting parties declare their adoption of the following bases for the formation of international tariffs:

The charge for all messages exchanged, by the same route, between the offices of any two of the contracting States shall be uniform. In applying this principle, however, a European State may be subdivided into at most two large territorial divisions.

The total charge is made up from State to State, under agreement between the terminal and intermediate governments.

The charges composing the tariffs applicable to correspondence exchanged between contracting States may, at any time, be modified by mutual agreement.

The franc is the monetary unit used as the basis of international tariffs.

ARTICLE 11.

Telegrams relating to the international telegraph service of the contracting States are transmitted free over the entire system of the said States.

ARTICLE 12.

The high contracting parties shall reciprocally account for the charges which they respectively collect.

ARTICLE 13.

The stipulations of the present convention are completed by service regulations, the provisions of which may be, at any time, modified by agreement between the administrations of the contracting States.

ARTICLE 14.

A central office, placed under the superior authority of the chief administration of one of the contracting Governments, designated for that purpose in the service regulations, is appointed to collect, arrange, and publish information of all kinds relating to international telegraphy, to study requests for modification of tariffs and service regulations, to circulate the changes adopted, and generally to study all subjects and execute all work entrusted to it in the interest of international telegraphy.

The expenses incurred in working this office are supported by all the administrations of the contracting States.

ARTICLE 15.

The tariffs and service regulations provided for by articles 10 and 13 are annexed to the present convention. They possess the same authority and come into operation at the same time as the convention.

They will be subject to revisions, at which all the States which have taken part in them will have the right to be represented.

With this object, administrative conferences will take place periodically, each conference fixing the time and place of the next meeting.

ARTICLE 16.

These conferences are composed of delegates representing the administrations of the contracting States.

In the deliberations each administration has a right to one vote, subject to the provision that when there are different administrations of the same government a claim shall have been made through the diplomatic channel to the government of the country in which the conference is to take place before the date fixed for its opening, and also that each of the different administrations shall have a special and distinct representation.

The revisions resulting from the deliberations of the conferences can only come into operation after they have been approved by all the governments of the contracting States.

ARTICLE 17.

The high contracting parties reserve to themselves respectively the right to make separately, among themselves, special arrangements of any kind in matters of service which do not interest the contracting States generally.

ARTICLE 18.

States which have not taken part in the present convention will be permitted to adhere to it on their request.

This adhesion will be notified through the diplomatic channels to the contracting State in which the last conference was held, and by that State to all the others.

It will convey the full right of participation in all the clauses and admission to all the advantages conferred by the present convention.

ARTICLE 19.

Telegraphic relations with nonadhering States or private enterprises are regulated, in the general interest of the progressive development of communication, by the service regulations provided for in Article 13 of the present convention.

ARTICLE 20.

The present convention shall come into execution from the 1st January, 1876, new style, and shall remain in force for an indefinite period, or until the lapse of one year from the date of its renunciation.

A renunciation made by any State only affects that State; the convention remaining in force as regards the other contracting parties.

ARTICLE 21, AND LAST.

The present convention will be ratified, and the ratifications exchanged at St. Petersburg, with as little delay as possible.

Done at St. Petersburg the 10/22 July, 1872.

POSTAL SAVINGS BANK AND GOVERNMENT ANNUITIES.

The desired information respecting the post-office savings bank is furnished below, under the several heads given in the Department of State's circular of the 17th July to the United States ambassador, which are recapitulated for the sake of clearness:

Question 1. Copies of all existing laws as to postal savings banks. Copies of the principal acts of Parliament are inclosed, viz:

(*a*) Act establishing post-office savings banks, 1861, as follows:

Whereas it is expedient to enlarge the facilities now available for the deposit of small savings, and to make the general post-office available for that purpose, and to give the direct security of the State to every such depositor for repayment of all monies so deposited by him, together with the interest due thereon: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords, spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

1. It shall be lawful for the postmaster-general, with the consent of the commissioners of Her Majesty's treasury, to authorize and direct such of his officers as he shall think fit to receive deposits for remittance to the principal office, and to repay the same, under such regulations as he, with the concurrence of the commissioners of Her Majesty's treasury, may prescribe in that respect.

2. Every deposit received by any officer of the postmaster-general appointed for that purpose shall be entered by him at the time in the depositor's book, and the entry shall be attested by him and by the dated stamp of his office, and the amount of such deposit shall upon the day of such receipt be reported by such officer to the postmaster-general, and the acknowledgment of the postmaster-general, signified by the officer whom he shall appoint for the purpose, shall be forthwith transmitted to the depositor, and the said acknowledgment shall be conclusive evidence of his claim to the repayment thereof, with the interest thereon, upon demand made by him on the postmaster-general; and, in order to allow a reasonable time for the receipt of the said acknowledgment, the entry by the proper officer in the depositor's book shall also be conclusive evidence of title for ten days from the lodgment of the deposit; and if the said acknowledgment shall not have been received by the depositor through the post within ten days, and he shall, before or upon the expiry thereof, demand the said acknowledgment from the postmaster-general, then the entry in his book shall be conclusive evidence of title during another term of ten days, and *toties quoties:* Provided always, that such deposits shall not be of less amount than one shilling, nor of any sum not a multiple thereof.

3. On demand of the depositor or party legally authorized to claim on account of a depositor, made in such form as shall be prescribed in that behalf, for repayment of any deposit, or any part thereof, the authority of the postmaster-general for such repayment shall be transmitted to the depositor forthwith, and the depositor shall be absolutely entitled to repayment of any sum or sums that may be due to him within ten days at farthest after his demand shall be made at any post-office where deposits are received or paid.

4. The officers of the postmaster general engaged in the receipt or payment of deposits shall not disclose the name of any depositor nor the amount deposited or withdrawn, except to the postmaster-general, or to such of his officers as may be appointed to assist in carrying this act into operation.

5. All monies so deposited with the postmaster-general shall forthwith be paid over to the commissioners for the reduction of the national debt; and all sums withdrawn by depositors, or by parties legally authorized to claim on account of depositors, shall be repaid to them out of the said monies through the office of Her Majesty's postmaster-general.

6. If at any time the fund to be created under the authority of this act by the investment of the deposits shall be insufficient to meet the lawful claims of all depositors, it shall be lawful for the commissioners of Her Majesty's treasury, upon being duly informed thereof by the commissioners for the reduction of the national debt, to issue the amount of such deficiency out of the consolidated fund of the United Kingdom, or out of the growing produce thereof; and the said commissioners of Her Majesty's treasury shall certify such deficiency to Parliament.

7. The interest payable to the parties making such deposits shall be at the rate of two pounds ten shillings (2½) *per centum per annum*, but such interest shall not be calculated on any amount less than one pound ($5) or some multiple thereof, and not commence until the first day of the calendar month next following the day of deposit, and shall cease on the first day of the calendar month in which such deposit is withdrawn.

8. Interest on deposits shall be calculated to the thirty-first day of *December* in every year, and shall be added to and become part of the principal money.

9. The monies remitted to the commissioners for the reduction of the national debt under the authority of this act shall be invested in some or in all of the securities in which the funds of savings banks established under the existing laws may be invested; and a separate and distinct account shall be kept by the said commissioners of all receipts, investments, sales, and repayments; and a balance sheet of such account from the first of *January* to the thirty-first of *December* in every year shall be laid before both houses of Parliament not later than the thirty-first of *March* in every year.

10. If any depositor making deposit under this act shall desire to transfer the amount of such deposit to a savings bank established under the acts relating to savings banks, he shall, upon application to the chief office of the postmaster-general, be furnished with a certificate stating the whole amount which may be due to him, with interest, and thereupon his account under this act shall be closed; and upon delivery of such certificate to the trustees or managers of the savings bank to which it is proposed by the depositor to transfer such deposit, they shall, if they think fit, open an account for the amount stated in such certificate for such depositor, who shall thereupon be subject to the rules of such savings bank; and the amount so transferred shall, upon such certificate being forwarded to the commissioners for the reduction of the national debt, be written off in the books of the said commissioners from the amount of monies received under the authority of this act, and shall be carried to the account of the savings bank to which such transfer shall have been made; and in like manner if any depositor in a savings bank established under the savings-bank acts shall desire to transfer the amount due to him, with interest, from such savings bank to the postmaster-general, for deposit under the provisions of this act, the trustees or managers of such savings bank shall, upon his request, furnish such depositor with a certificate in a form to be approved by the commissioners for the reduction of the national debt, signed by two trustees of such savings bank, and thereupon his account with such savings bank shall be closed, which certificate the depositor may deliver to any officer of the postmaster-general authorized to receive deposits under this act, and such certificate shall, for the amount therein set forth, be considered to be a deposit made under the authority of this act, and being forwarded to the said commissioners, the said amount shall then be transferred in the books of the said commissioners from the account of the said savings bank to the credit of the account of monies deposited under the authority of this act. Provided always, that nothing contained in this act respecting savings banks shall render it necessary to have the rules and regulations of any savings bank again certified if the same have been before certified according to law.

11. The postmaster-general, with the consent of the commissioners of Her Majesty's treasury, may make, and from time to time, as he shall see occasion, alter regulations for superintending, inspecting, and regulating the mode of keeping and examining the accounts of depositors, and with respect to the making of deposits and to the withdrawal of deposits and interest, and all other matters incidental to the carrying this act into execution in his department, and all regulations so made shall be binding on the parties interested in the subject-matter thereof to the same extent as if such regulations formed part of this act; and copies of all regulations issued under the authority of this act shall be laid before both Houses of Parliament within fourteen days from the date thereof, if Parliament shall be then sitting, and if not, then within fourteen days from the next reassembling of Parliament.

12. An annual account of all deposits received and paid under the authority of this act, and of the expenses incurred during the year ended the thirty-first of *December*, together with a statement of the total amount due at the close of the year to all depositors, shall be laid by the postmaster-general before both Houses of Parliament not later than the thirty-first of *March* in every year.

13. The annual accounts of the postmaster-general and of the commissioners for the reduction of the national debt to the thirty-first of *December* in each year, in respect to all monies deposited or invested under the authority of this act, shall

annually, prior to the thirty-first of *March* in each year, be submitted for examination and audit to the commissioners for auditing public accounts.

14. All the provisions of the acts now in force relating to savings banks as to matters for which no other provision is made by this act shall be deemed applicable to this act so far as the same are not repugnant thereto.

15. All expenses incurred in the execution of this act shall be paid out of the monies received under the authority of this act.

(*b*) Customs, inland-revenue, and savings-bank act, 1877, providing for payment into exchequer of surplus interest from post-office savings-bank fund.

(*c*) Savings-bank act, 1880, providing for investment of savings-bank deposits in Government stock.

This act provides that—

1. In every balance sheet of the assets and liabilities of the national debt commissioners, in respect of trustee savings banks, prepared after the passing of this act in pursuance of the savings-bank investment act, 1863, the assets, besides being valued in manner directed by the said act, shall also be valued as follows; that is to say,

The Government stock shall be valued at such sum as would, if invested to yield three and a quarter per centum per annum, produce the same income as the said stock.

The terminable annuities shall be valued at the total amount of the future payments after deducting discount at the rate of three and a quarter per centum per annum; and

The residue of the assets shall be valued at par.

The sum by which the assets, valued as directed by this act, in the balance sheet prepared for the year ending on the twentieth day of November, one thousand eight hundred and eighty, are insufficient to meet the liabilities of the national debt commissioners in respect of trustee savings banks on that day is in this act referred to as the capital deficiency. There shall be added to the said capital deficiency the sum (if any) by which during the year ending on the last mentioned day the interest accrued from the assets of the national debt commissioners in respect of trustee savings banks was insufficient to meet the interest paid and credited to the trustees of the trustee savings banks.

For the purpose of paying to the national debt commissioners the total deficiency so ascertained, the treasury shall, by warrant under their hands, create and direct the governor and company of the Bank of England to in scribe intheir books for the national debt commissioners on the trustee savings banks account a terminable annuity for such number of years, not exceeding twenty-eight, computed from the first day of April, one thousand eight hundred and eighty-one, as the treasury think expedient, of such an amount as will pay off the said total deficiency if the interest is calculated at the rate of three and a quarter per centum per annum.

The said annuity shall be charged upon the consolidated fund, and shall be added to and paid out of the permanent annual charge for the national debt, and the permanent annual charge for the national debt shall, during the period for which the said annuity is created, be increased by the amount of the annuity.

Sections four, five, six, and seven of the savings bank investment act, 1869, shall apply to such terminable annuity in like manner as they apply to the terminable annuities created in pursuance of that act for the national debt commissioners on account of savings banks.

2. After the twentieth day of November, one thousand eight hundred and eighty, all receipts issued either before or after that day to the trustees of trustee savings banks by the national debt commissioners, in respect of money paid into the Banks of England or Ireland by such trustees, shall carry interest at the rate of three per centum per annum, and the trustee savings banks act, 1863, shall be construed as if three pounds ($15) were throughout section twenty-one of that act substituted for three pounds five shillings ($16.25).

From and after the same day, the interest payable to depositors by the trustees of any trustee savings bank shall not exceed the rate of two pounds fifteen shillings per centum per annum (2¾ per cent).

3. (1) Subject to the regulations under this act, any deposit in a trustee or post-office savings bank, or any part of such deposit, may on the request of the depositor be invested by the savings bank authority in any Government stock; provided that—

(*a*) The sum invested shall not be less than ten pounds ($50) or the amount of the current price of ten pounds stock with the addition of the commission, whichever sum is least.

(*b*) The amount of stock credited to any one account in any savings bank year (whether any stock has been previously sold or not) shall not exceed one hundred pounds ($500) stock.

(c) The whole amount of stock credited to any one account shall not exceed three hundred pounds ($1,500) stock.

(2) Subject to the regulations under this act, the depositor may request the savings bank authority to sell the stock standing to his account, or any part of such stock, not less than ten pounds ($50) stock, or than stock of the value of ten pounds over and above the commission, whichever is least.

(3) Upon request from a depositor for an investment in stock under this section, the savings bank authority shall, in the prescribed manner, and on the prescribed day, not later than seven days after the receipt of the request, charge the depositor with the current price on that day of the stock and the commission, and credit the depositor with the equivalent amount of stock out of stock standing to the savings bank investment account of the national debt commissioners, and send to the depositor a certificate thereof in the prescribed form.

(4) On a request for a sale of stock under this section, the savings bank authority shall, in the prescribed manner, and on the prescribed day, not later than seven days after the receipt of the request, discharge the savings bank investment account of the national debt commissioners from the proper amount of stock and write the same off from the account of that depositor, and credit him with the current price on the said day of that stock after deducting commission, and shall forthwith pay over the same to him.

(5) The dividends on the Government stock credited to a depositor shall, subject to the deduction of the commission, be dealt with in the same manner as interest on the deposits of that depositor.

(6) For the purpose of an immediate investment under this section a deposit to an amount not exceeding the value of one hundred pounds ($500) stock with the commission may be deposited in one savings bank year, and in computing the maximum amount of deposit allowable for a depositor in a savings bank, the value of the amount of stock credited to the account of that depositor, or any sum deposited for the sole purpose of an immediate investment in stock, shall not be reckoned, and if by the price of any stock being credited to him as aforesaid, or by the deposit of any sum for immediate investment in stock, his deposit is raised so as to be in excess of the said maximum, that excess shall not be deemed unlawful.

(7) Subject to the regulations under this act all sums received by any savings bank authority for investment in Government stock shall be paid over to the national debt commissioners, and shall be invested in like manner as other moneys in the hands of those commissioners, and all sums required for the payment of the sums credited to depositors as the price of stock sold shall be provided and paid by the national debt commissioners in like manner as sums required to repay deposits in savings banks.

The national debt commissioners shall keep to the prescribed account (in this act referred to as the savings bank investment account) such amount of and description of Government stock as is sufficient to meet the amounts and description of stock credited to depositors in pursuance of this act.

(8) Subject to the regulations under this act, on a request from a depositor to obtain for him a stock certificate with coupons annexed, under the national debt act, 1870, for such amount of stock standing to his account, being either fifty pounds ($250) or a multiple of fifty pounds, as is specified in the request, the savings bank authority shall, in the prescribed manner, write off the amount of stock from the account of the said depositor, and procure from the national debt commissioners a stock certificate for the same amount of stock.

Provided, that the sum required to pay for the commission, the expenses, and the fee for the stock certificate shall be paid by, or debited in account to, the depositor in the prescribed manner.

(9) There shall be charged the prescribed commission on the investment and sale of stock and on the receipt of the dividends under this section, and such commission shall be applied in the prescribed manner in defraying the expenses incurred in carrying into effect this section.

(10) The current price for purchases and sales respectively on any day shall be a price to be ascertained and certified on that day in the prescribed manner.

(11) Subject to the regulations made under this act all enactments for the time being in force relating to savings banks, and all regulations made in pursuance of those enactments, shall, so far as is consistent with the tenour thereof, be construed in like manner as if the stock standing to the credit of any account were a deposit.

4. Subject to the provisions of this act, the treasury, with the consent of the national debt commissioners so far as any regulations relate to those commissioners, and with the consent of the postmaster-general so far as any regulations relate to post-office savings banks, may from time to time make and when made revoke, alter, or add to regulations with respect to—

(1) Investments in and sales of stock in pursuance of this act; and the receipt and payment of dividends on such stock; and

(2) Any other matter or thing necessary or proper for the purpose of carrying into effect this act.

5. A savings bank year shall be reckoned as the twelve months ending, in the case of a trustee savings bank, on the twentieth day of November, and in the case of a post-office savings bank, on the thirty-first day of December.

In computing time for the purposes of this act there shall be excluded every Sunday and every day which is a holiday within the meaning of the bank-holidays act, 1871, and the holidays-extension act, 1875.

6. Nothing in section twenty-nine of the trustee savings banks act, 1863, shall require the trustees of any trustee savings bank to ascertain, certify, and pay over annually to the national debt commissioners the amount of any increased stock and property, except when they are required so to do by the said commissioners, and any amount so paid over shall carry interest at the same rate as any other sums standing to the credit of the said trustee savings bank.

7. This act shall come into operation on the first day of November, one thousand eight hundred and eighty.

8. This act may be cited as the savings bank act, 1880.

Each of the acts set forth in the schedule to this act is in this act referred to and may be cited by the short title therein mentioned.

(*d*) Government-annuities act, 1882, providing for the transaction of annuity and insurance business in connection with the post-office savings bank.

(*e*) Savings-bank act, 1887, extending the power of the postmaster-general to make regulations.

(*f*) Savings-bank act, 1891, dealing mainly with trustee savings banks, but containing an amendment of law as to the total limit of deposit, and providing for the replacement of deposits withdrawn.

(*g*) Savings-bank act, 1893, raising the annual limit of deposits from £30 to £50 ($150 to $250), the annual limit of investments in stock from £100 to £200 ($500 to $1,000), and the total limit of stock from £200 to £500 ($1,000 to $2,500). Also providing for the automatic investment in stock of interest or dividends credited to a depositor's account in excess of £200 ($1,000), and for the treatment of dividends on stock held by depositors.

In addition to the acts of Parliament copies of the latest regulations are inclosed, viz: Savings-bank regulations 1893–1896; stock-investment regulations 1888 and 1894, respectively; annuity and insurance regulations 1888.

Question 2. The annual aggregate amounts of deposits in postal savings banks as shown by official reports for each year since the establishment of the system?

Such amounts are as follows (these and other statistics are shown for the last ten years in the postmaster-general's annual report, a separate copy of which for the year 1895 is sent—see page 65):

Year.	Amount, inclusive of interest, standing to credit of depositors December 31.	Equivalent in United States currency.	Year.	Amount, inclusive of interest, standing to credit of depositors December 31.	Equivalent in United States currency.
1862	£1,698,221	$8,491,105	1880	£33,744,637	$168,723,185
1863	3,377,480	16,887,400	1881	36,194,495	180,972,475
1864	4,993,123	24,965,615	1882	39,037,821	195,189,105
1865	6,526,400	32,632,000	1883	41,768,808	208,844,040
1866	8,121,175	40,605,875	1884	44,773,773	223,868,865
1867	9,749,929	48,749,645	1885	47,697,838	238,489,190
1868	11,666,655	58,333,275	1886	50,874,338	254,371,690
1869	13,524,209	67,621,045	1887	53,974,065	269,870,325
1870	15,099,104	75,495,520	1888	58,556,394	292,781,870
1871	17,025,004	85,125,020	1889	62,999,620	314,998,100
1872	19,318,339	96,591,695	1890	67,634,807	338,174,035
1873	21,167,749	105,838,745	1891	71,608,002	358,040,010
1874	23,157,469	115,787,345	1892	75,853,079	379,265,395
1875	25,187,345	125,936,725	1893	80,597,641	402,988,205
1876	26,996,550	134,982,750	1894	89,266,066	446,330,330
1877	28,740,757	143,703,785	1895	97,868,975	489,344,875
1878	30,411,563	152,057,815	1896	108,098,641	540,493,205
1879	32,012,134	160,060,670			

Question 3. What is the rate of interest paid to depositors?

Interest is paid at the rate of 2½ per cent per annum, and is computed in accordance with sections 7 and 8 of the act 24 Vic., cap. 14, and with the sixty-eighth clause of the regulations, 1893–1896.

Question 4. What limits, if any, are placed upon the amounts received on deposit?

Any sum from 1 shilling (25 cents) upward, but excluding pence, is accepted as an ordinary deposit, subject to an annual limit of £50 ($250) and a total limit of £200 ($1,000), including interest and stock dividends, if any. These limits are, however, subject to the following modifications:

(*a*) Stock dividends credited to a depositor's account in any year ended 31st December are not reckoned as part of the amount that may be deposited in that year.

(*b*) A person, besides depositing £50 ($250) in any year ended 31st December, may deposit in the same year one sum or several sums for the purpose of replacing in whole or in part the amount of any one (but not more than one) withdrawal previously made in that year.

(*c*) Ordinary deposits made in any year ending 31st December and applied to the purchase of stock or to annuity or insurance purposes at any subsequent time during the same year are not reckoned in regard to the annual limit of deposits, and further ordinary deposits may, therefore, be made to replace them.

(*d*) Money transferred from the account of a deceased depositor is not reckoned in regard to the annual limit of deposits in the account to which such transfer is made.

These particulars are given at pages 3 and 4 of the accompanying pamphlet, "S. B., No. 122," which also contains particulars as to the limits for stock investment (p. 11) and for annuities and life insurances (p. 13).

Question 5. What is the shortest period for which deposits are received?

There is no minimum period for which deposits are received, except that, in accordance with section 3 of the act 24 Vic., cap. 14, a depositor is entitled to repayment not later than ten days after the demand is made. In practice, however, notices of withdrawal received by the first post are acted upon and the warrants for repayment issued the same day.

Question 6. What is the average amount of the individual deposits annually?

The average amount of each deposit in 1896 was £2 17s. 5d. ($13.50). The average for each of the ten preceding years is shown in the statement in the report of the postmaster-general (p. 65), as follows:

Post-office savings banks.—Table showing the business done during the last ten years.

Year.	Number of post-office savings banks.	Number of deposits.	Amount of deposits.		Average amount of each deposit.	Interest credited to depositors.
					£ s. d.	
1886	8,351	a 6,562,395	a £15,696,852	$78,484,260	2 7 10	£1,169,590
1887	8,720	a 6,916,327	a 16,535,932	82,679,660	2 7 10	1,244,074
1888	9,022	a 7,540,625	a 19,052,226	95,261,130	2 10 6	1,332,838
1889	9,353	a 8,101,120	a 19,814,308	99,071,540	2 8 11	1,443,186
1890	9,681	a 8,776,566	a 20,990,692	104,953,460	2 7 10	1,553,355
1891	10,063	a 8,941,431	a 21,334,903	106,674,515	2 7 9	1,658,148
1892	10,519	a 9,478,339	a 22,845,031	114,225,155	2 8 2	1,746,263
1893	11,018	a 9,838,198	a 24,649,024	123,245,120	2 10 1	1,860,104
1894	11,323	a 10,973,651	a 30,439,449	152,197,245	2 15 6	2,015,903
1895	11,518	a 11,384,977	a 32,078,660	160,393,300	2 16 4	2,222,545

Year.	Number of withdrawals.	Amount of withdrawals.		Average amount of each withdrawal.	Expenses of management.	Average cost of each transaction.	Number of accounts opened.
				£ s. d.		d.	
1886	b 2,390,655	b £13,689,943	$68,449,715	5 14 6	c £290,555	c 7 8/10	758,270
1887	b 2,496,294	b 14,680,279	73,401,395	5 17 7	c 288,418	c 7 2/10	794,592
1888	b 2,633,808	b 15,802,735	79,013,675	6 0 0	c 326,990	c 7 7/10	887,460
1889	b 2,757,848	b 16,814,268	84,071,340	6 1 11	c 336,954	c 7 4/10	924,010
1890	b 2,892,006	b 17,908,860	89,544,300	6 3 10	c 326,394	c 6 7/10	997,283
1891	b 3,126,231	b 19,019,856	95,099,280	6 1 8	c 343,614	c 6 8/10	992,155
1892	b 3,335,068	b 20,346,217	101,731,085	6 2 0	c 354,008	c 6 8/10	1,036,622
1893	b 3,618,721	b 21,764,566	108,822,830	6 0 3	c 367,566	c 6 5/10	1,027,160
1894	b 3,863,886	b 23,786,927	118,934,635	6 3 1	c 414,557	c 6 7/10	1,135,525
1895	b 4,102,059	b 25,698,296	128,491,480	6 5 3	c 414,625	c 6 4/10	1,153,236

Year.	Number of accounts closed.	Number of accounts remaining open at close of the year.	Amount, inclusive of interest, standing to credit of all open accounts at close of the year.		Average amount standing to credit of each open account at close of the year.	Rate per cent of expenses of management to total amount standing to credit of depositors.
					£ s. d.	s. d.
1886	562,499	3,731,421	$50,874,338	$254,371,690	13 12 8	c 11 5
1887	574,252	3,951,761	53,974,065	269,870,325	13 13 2	c 10 8½
1888	618,294	4,220,927	58,556,394	292,781,970	13 17 5	c 11 2
1889	637,128	4,507,809	62,999,620	314,998,100	13 19 6	c 10 8½
1890	677,778	4,827,314	67,634,807	338,174,035	14 0 3	c 9 7½
1891	701,074	5,118,395	71,608,002	358,040,010	13 19 10	c 9 7
1892	702,701	5,452,316	75,853,079	379,265,395	13 18 3	c 9 4
1893	731,237	5,748,239	80,597,641	402,988,205	14 0 5	c 9 1½
1894	775,001	6,108,763	89,266,066	446,330,330	14 12 3	c 9 3½
1895	808,402	6,453,597	97,868,975	489,344,875	15 3 4	c 8 5½

a Including, as well as ordinary deposits, (*a*) deposits for immediate investment in stock; (*b*) amounts realized by sale of stock, and stock certificates obtained, the amount, when stock is sold or a stock certificate obtained, being placed to the credit of the savings bank account so as to be dealt with as a withdrawal; (*c*) dividends; (*d*) deposits for purchase of annuities and payment of insurance premiums, and (*e*) amounts credited to accounts in respect of sums payable to annuitants and insurants and their representatives. For particulars, see statements of government stock business and annuity and insurance business.

b Including, as well as ordinary withdrawals, (*a*) withdrawals for investment in stock, with commission; (*b*) withdrawals consequent on sale of stock and obtaining stock certificates, with commission and fees; (*c*) withdrawals for purchase of annuities and payment of insurance premiums, and (*d*) amounts paid to annuitants and insurants and their representatives. For particulars, see statements of government stock business and annuity and insurance business.

c The charges of management in 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, and 1895 include the sums of £28,212, £19,073, £40,988, £20,663, £752, £846, £832, £762, £33,631, and £2,386, respectively, for purchase of land, while the charges in 1889, 1890, 1891, 1892, 1893, 1894, and 1895 also include £17,733, £7,751, £2,274, £3,446, £2,111, £1,774, and £21,502, respectively, for new buildings. Omitting these amounts, but adding interest at the rate of 5 per cent thereon, the cost per transaction will be, in 1886, 7 1/10d.; in 1887, 6 2/10d.; in 1888, 6 8/10d.; in 1889, 6 8/10d.; in 1890, 6 4/10d.; in 1891, 6 7/10d.; in 1892, 6 8/10d.; in 1893, 6 5/10d.; in 1894, 6 7/10d., and in 1895, 6d., and the percentage of expenses to capital 10s. 4½d., 10s., 9s. 10d., 9s. 6½d., 9s. 5d., 9s. 6d., 9s. 2½d., 9s. 0½d., 8s. 6½d., and 8s., respectively. Prior to the passing of the post-office savings bank act, 1861, it was estimated (see Parliamentary Paper No. 523, 1861) that the average cost of each transaction would be 7d.

Post-office savings banks.—Table showing the business done during the last ten years—Continued.

Year.	Total sum standing to credit of post-office savings banks on books of national debt commissioners at close of the year.	Balance in hands of postmaster-general after making provision for outstanding warrants at close of the year.	Estimated value of the Central Savings Bank premises in Queen Victoria street.	Total value of assets applicable to payment of depositors at close of the year.	Number, at close of the year, of old savings banks and post-office b nks combined.	Number, at close of the year, of depositors in old savings banks and post-office banks combined.
1886	£52, 074, 387	£272, 263	£154, 000	£52, 500, 650	8, 756	5, 322, 325
1887	56, 248, 599	322, 553	174, 000	56, 745, 152	9, 120	5, 556, 371
1888	60, 860. 563	266, 071	219, 000	61, 345, 634	9, 404	5, 800, 473
1889	64, 786, 212	253, 615	257, 000	65, 296, 827	9, 699	6, 059, 403
1890	68, 954, 754	155, 673	266, 000	69, 376, 477	10, 005	6, 363, 098
1891	72, 417, 045	173, 982	269, 000	72, 860, 027	10, 366	6, 628, 677
1892	78, 123, 988	176, 056	273, 000	78, 573, 044	10, 800	6, 954, 236
1893	82, 857, 696	415, 073	276, 000	83, 548, 771	11, 285	7, 219, 385
1894	94, 497, 364	497, 743	312, 000	95, 307, 107	11, 580	7, 579, 709
1895	105, 064, 203	384, 181	336, 000	105, 784, 384	11, 763	7, 969, 826

Question 7. Are the certificates of deposit transferable; and, if so, under what regulations?

It is presumed that certificates of deposit should be understood as being deposit books. Provision exists for transferring deposits from the name of one person to that of another, the regulations on the subject being Nos. 48 to 50 of the regulations of 1893–1896. (See also page 8 of the pamphlet S. B., No. 122.)

Question 8. Are the certificates of deposit convertible into Government bonds; and, if so, upon what terms?

The arrangements entitling depositors to invest in Government stock are set forth in the regulations and in the pamphlet S. B., No. 122 (pages 11 to 13).

Question 21. What is the annual value of the work performed by the postal savings banks?

The expenses of management of the post-office savings banks for the year 1896 amounted to £429,627 ($2,148,135) including £19,718 ($98,590), for land and buildings. The amount for each of the ten preceding years is shown in the statement at page 65 of the postmaster-general's report.

I am to add that the Duke of Norfolk will be happy to furnish any further information which may be desired on any point.

I have the honor to be, sir, your obedient servant,

J. C. LAMB.

GREECE.

Mr. Rockhill to Mr. Sherman.

LEGATION OF THE UNITED STATES,
Athens, October 13, 1897.

SIR: In compliance with the instructions contained in the Department's circular of July 17, 1897, I have the honor to transmit herewith such answers as I have been able to obtain to the questions therein.

I also transmit, under separate cover, copies of all the printed laws and regulations bearing on the subject.

Very respectfully, etc.,

W. W. ROCKHILL.

ANSWERS TO CIRCULAR.

1. Existing laws as to postal telegraphs, etc., forwarded under separate cover. There are no postal savings banks.

2 to 8. The foregoing questions can not be answered, as there are no postal savings banks.

9. Telegraphs have been introduced in Greece by the Government, and they have always been owned by it. Telephones are now owned by the Government, but were introduced by individuals at first exclusively for their private use.

10, 11. The Government has assumed ownership of the telegraph and telephone lines as a right belonging to it under the law, such right being guaranteed it by paying only the value of machines, wires, etc. This purchase was made gradually, and it is now impossible to give any correct estimate of the expense incurred.

12. Receipts: Telegraphs, 1,700,000 drachmas ($340,000); telephones, 40,000 drachmas ($8,000) yearly. Expenditure just about the same.

13. Offices were built and extension of wire made gradually. There are now 210 telegraph offices or stations with 9,660 miles of wire; 17 telephone stations with 194 miles in length of wire.

14. No comparison can be made.

15. No.

16. None.

17, 18. Telegraph messages: Internal brief of 7 words, 5 for address and signature and 2 for text. Price in Greek currency, De. 0.50 (10 cents). Internal ordinary of 15 words, De. 1.00 (20 cents). For every word over, De. 0.05 (1 cent).

International rates are those fixed every four years by the General Postal Union Bureau of Bern. Registered messages double rate.

(N. B.—Every 15 letters or group of 5 figures is considered one word.)

19. Press messages, half rates, if internal. If international, rates of the Postal Union Bureau. There is no tariff for telephonic messages; the use of the telephones is permitted only to subscribers who, by paying a yearly sum of 360 drachmas, can make use of them at the public offices, or by paying also the expense of installation and the value of the machine, may have one put in their offices.

20. The average number of words sent daily, including press and private messages, amounts to 40,000. The number of words sent through the telephone can not be stated, owing to the system they are run on. No account is kept.

21. Nil.

Though my experience of the practical working of the Greek telegraph lines is very limited, I feel at liberty to state that it is poorly managed. Messages are transmitted very slowly; frequently it is a saving of time to transmit them by post, and those sent in foreign languages or in cipher arrive often in an undecipherable and mutilated condition.

W. W. ROCKHILL,
United States Minister.

HAWAII.

Mr. Sewall to Mr. Sherman.

LEGATION OF THE UNITED STATES,
Honolulu, Hawaiian Islands, September 13, 1897.

SIR: I have the honor to forward agreeably to circular of July 17 replies to the interrogatories contained therein regarding postal savings banks.

I also inclose reports of the postmaster-general and minister of finance, which are of interest, as more fully setting forth the details of the working of the postal savings banks than do the answers to the interrogatories.

The Hawaiian Government owns no interest in any telephone or telegraph lines.

I have the honor, etc.,

HAROLD M. SEWALL.

Interrogatory 2. The annual aggregate amounts of deposits in postal banks, as shown by official reports for each year since the establishment of the system:

1886 (six months from July 1)	$51, 892. 28	1892	$396, 701. 47
1887	162, 292. 66	1893	202, 243. 87
1888	492, 305. 92	1894	259, 762. 11
1889	874, 787. 50	1895	229, 034. 97
1890	732, 576. 14	1896	334, 558. 26
1891	706, 019. 77		

Interrogatory 3. What is the rate of interest paid to depositors?

Four and one-half per cent at the present time.

Interrogatory 4. What limits, if any, are placed upon the amounts received on deposit?

Two thousand five hundred dollars is the limit for any one depositor. Five hundred dollars is the limit on interest-bearing deposits.

Interrogatory 5. What is the shortest period for which deposits are received?

One week.

Interrogatory 6. What is the amount of the individual deposits annually?

Year.	Number of accounts.	Due depositors Dec. 31.	Average amount due depositors.	Year.	Number of accounts.	Due depositors Dec. 31.	Average amount due depositors.
1887	819	$134, 883. 10	$164	1892	2, 583	$568, 462. 08	$220
1888	1, 860	477, 475. 85	256	1893	2, 445	509, 394. 32	208
1889	2, 641	909, 613. 87	344	1894	2, 653	587, 401. 61	221
1890	3, 299	1, 013, 632. 08	307	1895	3, 596	598. 098. 44	166
1891	3, 452	963, 354. 20	279	1896	7, 494	730, 356. 61	97

Interrogatory 7. Are the certificates transferable; and if so, under what regulations?

Nontransferable.

Interrogatory 8. Are the certificates of deposit convertible into Government bonds; and if so, upon what terms?

Yes; see copy of law herewith.

Interrogatories 9 to 21. The Government owns no telegraphs or telephones.

COMPILED LAWS.

POSTAL SAVINGS BANK.

SEC. 772. There shall be established in the general post-office at Honolulu, as a part of the bureau of the Hawaiian postal service, a savings bank to be known as the "Hawaiian Postal Savings Bank," of which the postmaster-general shall be ex officio manager.

SEC. 773. It shall be lawful for the postmaster-general to authorize and direct such of his officers as he shall think fit to receive deposits, and to pay the same, together with the interest accrued thereon, under such regulations as may be prescribed under the authority of this act: *Provided always*, That such deposits shall not be of less amount than one quarter of one dollar, or a multiple thereof.

SEC. 774. Every deposit received by any officer so authorized by the postmaster-general shall be entered by him at the time in the depositor's book, and the entry shall be attested by the signature of the said officer. This entry on the depositor's book with the attestations of the said officer shall be conclusive evidence of the claim of the depositor to the repayment of such deposit with interest thereon on demand made by him in the manner hereinafter provided.

SEC. 775. The officers engaged in the receipt or payment of savings deposits shall not disclose the name of any depositor nor the amount deposited or withdrawn except to the postmaster-general, or to such officers as may be appointed by him to carry this act into operation.

SEC. 776. The books of the Hawaiian Postal Savings Bank shall be opened, and the manager shall receive all deposits offered on and after the first day of January, A. D. 1885.

SEC. 777. Married women and minors may in their own right make deposits and receive repayment, giving valid receipts therefor: *Provided, however*, That minors under the age of fifteen years can only give a valid receipt therefor upon the countersigning of the same by their natural or legal guardian.

SEC. 778. In case any depositor shall die leaving a sum of money on deposit in the postal savings bank not exceeding one hundred dollars ($100), and letters of administration or notice of existence of a will be not produced to the postmaster-general within a period of sixty days after the death of the depositor, or in case of disputes of any one claiming to be entitled to any money deposited in the postal savings bank under one hundred dollars ($100), as assignee, executor, administrator, or next of kin to the depositor, the matter may be referred in writing to a justice of the supreme court, whose award or order in writing shall be binding and conclusive on all parties to all intents and purposes without any appeal.

SEC. 779. In case any depositor shall die leaving any sum of money on deposit in the postal savings bank exceeding one hundred dollars ($100), the same shall only be paid to the executor or administrator on the production of letters of administration.

SEC. 780. If a depositor become insane, having on deposit not exceeding one hundred dollars ($100), the postmaster-general may, in his discretion, authorize payment from time to time out of the funds of such depositor to any person having charge of him.

SEC. 781. On demand, by notice upon the postmaster-general in such form as may be described in the regulations under this act by a depositor or party legally authorized to claim on account of a depositor for repayment of any deposit or part thereof, such depositor shall be absolutely entitled to payment of any sum not exceeding one hundred dollars ($100) which may be due him within thirty days after giving such notice, and shall be absolutely entitled to payment of any sum or sums over one hundred dollars ($100) which may be due him within ninety days after giving such notice, and the officer making such repayments shall enter the same upon the book of the depositor and attest the entry by his signature: *Provided, however*, That payments may be made to depositors, in the discretion of the postmaster-general, on demand, or at any time prior to the periods mentioned in this section.

SEC. 782. The rate of interest payable on deposits made under this act shall not exceed six per cent. per annum on deposits amounting to five hundred dollars ($500) and under in any one account, and shall not exceed five per cent. per annum on all amounts exceeding five hundred dollars ($500) in any one account, but no interest shall be paid on any deposits exceeding at any one time two thousand five hundred dollars ($2,500) in any one account, and no interest shall be paid on any deposits made after September 30th, A. D. 1892, exceeding five hundred dollars ($500) in any one account. Interest shall not be calculated on any amount less than five dollars or some multiple thereof, and shall not commence until the first day of the calendar month next following the day of deposit, and shall cease on the first day of the calendar month in which such deposit is withdrawn. All deposits not exceeding twenty-five hundred dollars in any one account that shall have been on deposit two months prior to July 1st of each year shall not be assessed for taxes and shall be free from all Government taxation.

SEC. 783. Interest on all deposits shall be calculated to the 31st day of December in every year, and shall be added to and become part of the principal money, and the postmaster-general shall on that day of each year furnish the minister of finance with a sworn statement of the rate of interest and the amount thereof calculated and actually passed to the credit of the depositors on the books of the postal savings bank.

SEC. 784. All moneys received by the postmaster-general as deposits in the Hawaiian Postal Savings Bank in excess of twenty-five hundred dollars, shall be paid into the treasury; and the registrar of public accounts shall open in the books of the treasury an account to be called the "Hawaiian Postal Savings," to which he shall credit all deposits made on this account; and he shall debit such sums as may be withdrawn or warrants issued by the postmaster-general for payment of sums due to depositors. All moneys received to this account, as well as the reserve in the hands of the postmaster-general as ex-officio manager of the Hawaiian Postal Savings Bank, shall be deemed and treated as part of the public debt, for which the treasury is responsible to the depositors, and the treasury account shall, on the first day of January of each year, be credited as of that day with the interest actually allowed and paid to depositors under this act for the previous year, ending December thirty-first.

SEC. 785. There shall be at all times retained in the treasury, as a special reserve to meet the demands of depositors in said postal savings bank, not less than 10 per cent of the deposits in such bank on all deposits up to an aggregate of five hundred thousand dollars ($500,000).

SEC. 786. If at any time the moneys paid into the treasury on account of the Hawaiian Postal Savings Bank, and the interest accrued thereon, shall be insufficient to meet the lawful claims of the depositors, it shall be the duty of the minister of finance to pay the amount of such deficiency out of any moneys not otherwise appropriated, and report said amount to the next ensuing legislature.

SEC. 787. An annual account of all deposits received and paid out under authority of this act, and the expenses incurred during the year ending December 31st, together with a statement of the total amount due at the close of the year to all depositors, shall be made by the postmaster-general to the minister of finance, who shall lay the same before the legislature at its next ensuing session.

SEC. 788. The minister of finance is hereby authorized to issue coupon bonds of the Hawaiian Government up to the amount of one million dollars, to be styled the "postal savings bank loan," to be issued to depositors in the Hawaiian Postal Savings Bank who may apply for the same, to be made payable in periods not less than five or not more than twenty years, at the option of the minister of finance, and to bear interest at the rate not to exceed six per cent per annum, to be paid semi-annually, principal and interest payable in gold coin of the United States of America or its equivalent. Any such depositor with an aggregate credit on his passbook of not less than two hundred dollars in gold coin of the United States of America, which shall have been on deposit at least three months, who shall apply to the postmaster-general for such bonds, shall be entitled to an issue of an amount thereof in sums of one hundred dollars or multiples thereof, which amount shall be immediately withdrawn from said depositor's account with the Postal Savings Bank.

SEC. 789. In order to give greater security to depositors in the Hawaiian Postal Saving Bank and to facilitate the repayments to depositors in case of withdrawals of deposits in excess of the ordinary course of business, the minister of finance is hereby authorized to issue coupon bonds of the Hawaiian Government for the amount of postal savings bank deposits on deposit in the treasury on the first day of July, 1888, and on the first days of January and July of each year thereafter he is hereby further authorized to issue such bonds up to the amount of the net postal savings bank deposits paid into the treasury during the six months next preceding such date of issue, with the amount of the interest credited thereon and added thereto on December 31 of each year.

SEC. 790. Such bonds shall be of a denomination not less than one hundred dollars ($100), and shall be redeemable not less than five nor more than twenty years after date, and shall bear interest at six per cent per annum, principal and interest to be paid in gold coin of the United States of America or its equivalent. They shall express upon their face that they are issued as security for the postal savings bank deposits, and are negotiable only upon the indorsement of the postmaster-general and the minister of finance, with the consent of the cabinet.

SEC. 791. Such bonds shall be held by the postmaster-general in trust as security for deposits in the Hawaiian Postal Savings Bank, but he shall not draw the interest thereon, and before negotiation of such bonds, as provided by law, it shall be his duty to detach all interest coupons on the bonds that have accrued and deposit the same in the office of the minister of finance, where they shall be cancelled.

SEC. 792. In the event of demands for withdrawals of deposits from the postal savings bank in excess of the reserve on hand or available at the treasury, the

postmaster-general, with the written consent of the cabinet, is hereby authorized to borrow sufficient money to meet such demands upon the lowest terms obtainable, and give such bonds, or any necessary portion thereof, as security for the money so borrowed, or he may, with such consent as aforesaid, sell a sufficient number of such bonds, after first advertising for tenders therefor, to the person or persons making offers the most advantageous to the Government, and apply the proceeds to the payment of such demands.

SEC. 793. If the postmaster-general shall at any time withdraw from the treasury moneys deposited therein by the postal savings bank for which bonds shall have been issued as aforesaid, he shall at the same time surrender to the treasury bonds the par value of which shall equal the amount so withdrawn, which bonds so surrendered shall be forthwith cancelled by the registrar of public accounts as redeemed bonds.

SEC. 794. The postmaster-general, with the consent of the cabinet, may make and from time to time, as he shall see occasion, alter all needful regulations for carrying this act into execution; and after publication such regulations so made shall be binding on the parties in the subject-matter hereof to the same extent as if such regulations formed part of this act.

SEC. 795. All expenses incurred in the execution of this act shall be paid out of the appropriations for the general post-office.

SEC. 796. The passage of this act shall in no way change the status of the deposits now in the postal savings bank, either principal or interest; and nothing herein contained shall be construed to mean any interference with such deposits, principal or interest.

SEC. 797. For the purpose of further securing depositors in the Hawaiian Postal Savings Bank, the minister of finance, with the consent of the cabinet, is hereby authorized to sell at not less than par, from time to time, treasury notes of the Hawaiian Government not exceeding the amounts of the deposits in the postal savings bank at the time of issue.

SEC. 798. Such notes shall each be of the denomination of not less than one hundred nor more than five thousand dollars; shall be payable in not less than three months nor more than eighteen months after date of issue; shall bear interest at a rate not exceeding six per cent per annum, payable semiannually, and shall be payable, principal and interest, in gold coin of the United States of America or its equivalent, and shall be exempt from any taxes whatsoever.

SEC. 799. Such notes shall be sold only for the purpose of obtaining moneys with which to pay demands which may be made upon the postal savings bank which the treasury is unable to meet from other sources, and shall be held as a special deposit for such purpose, and used for no other purpose; provided, however, that moneys heretofore paid out of the treasury to depositors may be repaid to the Treasury out of the receipts from such notes.

SEC. 800. The postmaster-general, as manager of the postal savings bank, with the consent and approval of the minister of finance, may issue to any person term deposit certificates in the name of the Hawaiian Postal Savings Bank for deposits of not less than five hundred dollars nor more than five thousand dollars.

SEC. 801. The amounts so deposited shall draw interest at a rate not to exceed 6 per cent per annum, to be computed in accordance with the law regulating the bank. Such deposits shall not in the aggregate exceed $150,000 at any one time.

SEC. 802. The term for which any deposit shall be received under this act shall not exceed 12 months.

SEC. 803. The form of the said certificates shall be as follows, and shall contain the conditions hereinafter set forth:

Hawaiian postal savings bank certificates.

$—— No. ——

HONOLULU, ——, *189—*.

Received from —— ——, in —— coin, —— dollars on deposit, payable in —— coin on presentation of this certificate properly indorsed. This deposit is made for —— months, and will bear interest from ——, 189—, at the rate of —— per cent per annum, and in accordance with the conditions printed hereon.

Interest, ——.

Approved: —— ——, *Minister of Finance.*

CONDITIONS.

Present this certificate at the postal savings bank at the expiration of the term stated herein. Interest will cease at that date.

Holders at a distance may indorse this certificate and send by mail to the postal savings bank, when it will be paid.

This certificate may be transferred by indorsement, and principal with interest will be paid to the holder hereof.

JAPAN.

Mr. Buck to Mr. Sherman.

LEGATION OF THE UNITED STATES,
Tokyo, Japan, November 9, 1897.

SIR: Referring to the circular instruction of the honorable the Acting Secretary of State, of date the 17th July last, directing me to apply to the Government to which I am accredited for "as full information as possible as to the nature and practical workings of the postal telegraphs, telephones, and postal savings banks" of Japan, I have the honor to transmit herewith such a report furnished by the Japanese Government, together with a translation prepared in this office.

I have, etc.,

A. E. BUCK.

Replies to the inquiries of the American minister relative to the nature and practical workings of the telegraphs, telephones, and postal savings banks.

No. 1. The principal laws and regulations relating to telegraphs, telephones, and postal savings are given in inclosure No. 1. (They are published as an appendix to Japan.)

No. 2. The general condition of the postal savings system as shown by the official reports for each year is given in inclosure No. 2. (See appendix.)

No. 3. The rate of interest paid to depositors in the postal savings banks is given in inclosure No. 3. (See appendix.)

No. 4. The limits placed upon amounts of deposits in postal savings banks are as given in inclosure No. 1, "Regulations for postal savings banks," Article IV. (See appendix.)

No. 5. There are no restrictions whatever governing the period for which deposits are received.

No. 6. The average amount of the individual deposits annually is given in inclosure No. 2. (See appendix.)

No. 7. Regulations governing the transfer of certificates of deposit are as given in inclosure No. 1, under "Rules for postal savings banks," Article XIII. (See appendix.)

No. 8. Certificates of deposit are not convertible into Government bonds, but the use of postal savings as security in the purchase of Government bonds' is fixed according to inclosure No. 1, "Rules for postal savings banks," Articles VII and VIII. (See appendix.)

No. 9. Both telegraphs and telephones are owned and controlled exclusively by the Government. Telegraphs were established in August, 1869 (Meiji 2d year), telephones in December, 1890 (Meiji 23d year). (See appendix.)

Nos. 10–11. Telegraphs and telephones are not permitted as private enterprises, therefore none such have been purchased.

No. 12. The first point is as given in the preceding answer; for the second point see inclosure No. 4. (See appendix.)

No. 13. For the first point see answer to No. 10; for the second point see inclosure No. 5. (See appendix.)

No. 14. There being no private companies, there is no answer to this question.

No. 15. At present no telegraphic or telephonic stamps are issued; postage stamps are used of the following denominations: 5 rin (½ sen), 1 sen, 2 sen, 3 sen, 4 sen, 5 sen, 8 sen, 10 sen, 15 sen, 20 sen, 25 sen, 50 sen, 1 yen.

No. 16. As no telegraphic or telephonic stamps are sold, no special account books are kept for the purpose; the method of canceling stamps is given in inclosure No. 6. (See appendix.)

No. 17. The number of words in a telegraphic message is fixed in accordance with inclosure No. 1, "Rules for the management of telegraphs," Sections III and IV; the charge for the same is fixed by Section XIV of the same "rules." (See appendix.)

There is no limitation as to the number of words in a telephonic message. Each period of conversation is five minutes in length, the charge for which is fixed according to inclosure No. 7. (See appendix.)

No. 18. The tariff for private telegrams differs according to the number of words. As to distance, with the exception of those telegrams which are dispatched and received within the limits of the same city, all messages throughout the country are treated alike, according to the tariff given in inclosure No. 1, "Rules for management of telegraphs," Section IV. (See appendix.)

As for telephones, no distinction is made in the tariff between public (official) and private messages.

Nos. 19–20. There being no rule actually in force regarding press telegrams and telephonic messages, no answer can be given.

No. 21. See inclosure No. 8, appendix.

APPENDIX.

[Inclosure No. 1.]

REGULATIONS AS TO TELEGRAMS.

[Notification No. 8, of May 7, 1885, enforced from July 1, 1885, revised to September, 1897.]

All telegrams shall be divided into three classes—official, office, and private telegrams.

The order of sending telegrams shall be as follows: First, official telegrams; next, office telegrams; and then private telegrams.

Any private telegram which shall appear to violate any of the rules and regulations fixed by the minister of communications, to break the peace or overthrow the institutions of the country, shall not be sent.

The Government may, according to times and circumstances, either restrict or prohibit the sending of private telegrams with respect to the lines, districts, or language used.

In the writing of all telegrams, whether in ordinary or secret or code words, in the Japanese language the katagana and numerals shall be used; if in foreign language, roman letters and arabic numerals.

All telegram rates to any part of the country shall be the same, with the exception of those telegrams sent and received within the limits of the same city.

Telegram rates and fees shall be paid with postage stamps, which should be attached to the telegram blank. This latter, however, does not apply to amounts prepaid for return telegram or to amounts temporarily deposited for inquiry telegrams.

The sending of telegrams shall be controlled by the telegraph office of the postal telegraph department.

Any person proposing to use a machine for the purpose of transmitting communications, by means of words or signs, shall make application to the minister of communications.

Private telegraph lines may be established only in places where there is no Government line, and for the use of one or two persons. Lines for the transmission of verbal messages or for the use of railways may, however, be established even where Government lines exist.

A privately established telegraph line shall be connected to the nearest Govern-

ment telegraph office. Lines for the transmission of verbal messages or for the use of railways shall be excepted.

A privately established telegraph line shall not transmit messages for other people.

The rate for telegrams throughout the country (with the exception of city telegrams) shall be as follows:

(1) Japanese telegrams: Ten characters or less of katagana, 15 sen (15 cents). For every additional ten characters or less, 10 sen (10 cents) shall be charged.

(2) Foreign (language) telegrams: For five words or less, including name and address, 25 sen (25 cents). For every additional word, 5 sen (5 cents) shall be charged.

For telegrams dispatched and received within the limits of the same city the charges shall be as follows:

(1) Japanese telegrams: Ten characters of katagana, 5 sen (5 cents). For every additional ten characters, 3 sen (3 cents) added.

(2) Foreign (language) telegrams: Five words, including name and address, 10 sen (10 cents). Every additional word, 2 sen (2 cents) added.

The rate for "urgent" telegrams (official) shall be double the ordinary rate.

The rate for "urgent" private telegrams shall be three times the ordinary rate.

The rate for "forwarded" telegrams shall be one-half the cost of the original telegram for each time forwarded.

"Duplicate" telegram rates, except the original telegram, shall be for each repetition 5 sen (5 cents) for Japanese and 15 sen (15 cents) for foreign telegrams.

The rate for repeated (proof) telegrams shall be one-half the cost of the original telegram.

The rate for receipt telegrams shall be with Japanese telegrams the price of ten characters; with foreign telegrams the cost of five words.

In telegraph rates fractions of a sen shall not be reckoned.

When a telegram is sent by mail, it shall be addressed to the nearest post and telegraph office and mailed.

When a telegram dispatched by mail shall be received after office hours, it shall be dispatched on opening the office the following day.

[Notification No. 4. March 14, 1889.]

RULES FOR THE CONSTRUCTION OF PRIVATE TELEGRAPH AND TELEPHONE LINES.

SECTION 1. Any person desiring to construct a private telegraph or telephone line, in accordance with Article VIII, section 16, of the telegraph regulations, should make application according to Form No. 1; to alter a line already constructed application should be made according to Form No. 2. Whenever any change in the plan of works is made from that given on the application form, the form should be immediately corrected.

SEC. 2. When a person who has received permission to construct a private telegraph and telephone line, or to alter a line already constructed, begins work and completes the construction, information should be given to the department of communications of the fact; likewise when the line is abandoned.

SEC. 3. When a privately constructed line shall, in the judgment of the minister of communications, seem to interfere with the establishment of a public line, he may order it to be changed or abandoned. The cost of such change shall be borne by the department of communications; if the line is abolished, it shall be bought at its real value.

SEC. 4. When it is necessary for the department of communications to make use of private poles in constructing a line, in so far as it does not interfere with the private line, the owner shall make no objection. When a private line desires to make use of the poles of a Government line it shall be permitted in so far as such use does not interfere with the working of the line.

SEC. 5. When a private and public line are constructed together the owner shall be responsible for the repair and preservation of the poles and the work thereby entailed; the expense shall be divided in proportion to the number of wires each possesses. But when the efficiency of the wire seems to be impaired by the negligence of the owner in repairing or preserving the poles the work shall be done at once by the department of communications, and the expense paid according to the circumstances.

TELEPHONES.

[From law of April 19, 1890.]

Where it may seem necessary to the department of communications a telephone exchange may be established by the placing of telephone offices here and there and collecting the lines from the various offices and subscribers into a central telephone exchange, thus establishing a medium of communication from place to place for the benefit of subscribers. At the request of subscribers the telephone lines may be extended to the neighboring places.

The department of communications shall be responsible for the expense of con-

If, however, within the second period above named a deposit is made or withdrawn or book presented interest shall accrue from the following month.

When any loss is sustained by any depositor in a postal savings bank for which the Government should be responsible the depositor should apply for compensation within one year from the day the facts become known, or, when the date can not be known, from the time of the payment of interest. When application for compensation is not made within that period the Government shall be freed from its obligation.

Postal matter belonging to the postal savings business shall be carried in the mails free of charge.

[Inclosure No. 2.]

Postal savings bank.

TABLE NO. 1.

Year.	Number of depositors.	Amount (in yen or dollars).	Average amount of deposit per person (in yen or dollars).
1875	1,843	15,224	8
1876	4,442	41,845	9
1877	5,761	100,138	17
1878	14,137	286,290	20
1879	26,473	494,115	18
1880	36,126	662,091	18
1881	38,974	821,938	21
1882	46,211	1,058,224	22
1883	87,014	2,298,502	26
1884	141,202	5,260,484	37
1885	293,297	9,050,254	30
1886	490,337	15,462,053	31
1887	568,849	18,213,282	32
1888	665,822	19,758,482	29
1889	762,869	20,441,354	26
1890	797,486	19,514,844	24
1891	843,320	20,149,848	23
1892	911,427	21,854,788	23
1893	1,011,285	24,815,985	24
1894	1,073,747	24,962,459	23
1895	1,179,555	27,748,215	23
1896	1,257,696	28,078,291	22

NOTE.—This table shows the statistics at the end of December.

TABLE NO. 2.

[In yen or dollars.]

Year.	Deposits.		Refunded sum.
	Amount of deposits.	Interest on postal deposits.	
1875	20,122	436	5,334
1876	41,800	1,324	16,504
1877	89,588	2,708	34,003
1878	301,894	10,301	126,004
1879	440,210	21,170	253,556
1880	548,116	33,387	413,527
1881	636,805	47,779	524,739
1882	768,036	62,470	594,222
1883	1,886,225	101,792	747,739
1884	4,688,183	262,576	1,988,778
1885	6,770,072	377,427	3,357,330
1886	12,425,162	626,269	6,639,632
1887	10,901,419	675,974	8,826,165
1888	10,001,837	751,826	9,208,464
1889	10,712,635	813,358	10,843,121
1890	9,573,847	794,086	11,294,445
1891	10,840,875	231,981	10,437,852
1892	11,933,970	800,498	11,029,528
1893	13,978,262	872,347	11,889,412
1894	13,633,325	989,490	14,471,343
1895	16,280,045	1,026,046	14,520,335
1896	16,985,713	1,103,610	17,759,248

In this table the unusually small amount of interest on postal savings in 1891 is accounted for by the fact that the interest for the year is reckoned up to the end of

the fiscal year (March 31), according to the revised regulations, instead of to the end of June and December, as formerly. The amount of interest is, accordingly, only for the period from January to March, 1891.

TABLE NO. 3.

Year.	Number of depositors.		Number of times—	
	New depositors.	Number of persons refunded whole amount.	Deposit.	Refunded.
1875	2,184	341	10,642	1,140
1876	3,457	858	24,898	7,343
1877	2,829	1,510	28,589	3,951
1878	11,521	3,145	80,734	4,131
1879	19,425	7,089	189,972	9,195
1880	22,518	12,865	314,180	18,130
1881	20,249	17,401	227,158	23,157
1882	23,632	16,395	228,436	23,296
1883	58,776	17,973	389,742	27,800
1884	84,097	29,909	694,728	51,142
1885	204,148	52,053	1,124,893	90,868
1886	298,921	101,881	1,932,173	167,722
1887	197,628	119,116	1,723,836	203,082
1888	217,604	120,631	1,849,866	225,473
1889	255,771	158,724	2,098,772	297,215
1890	239,797	205,180	2,090,612	380,509
1891	238,966	193,132	2,207,486	373,041
1892	265,706	197,599	2,393,146	411,818
1893	318,503	218,645	2,822,527	472,706
1894	314,092	251,630	2,949,230	552,729
1895	356,365	251,557	3,176,725	552,691
1896	394,562	316,422	3,328,101	650,903

[Inclosure No. 3.]

Imperial Ordinance No. 278.

[November 26, 1890.]

We hereby sanction and publish the rate of interest on postal deposits.

The interest on postal deposits from January, 1891, shall be fixed at 4½ per cent per annum of the principal.

[Inclosure No. 4.]

1. The revenue is the actual amount of receipts from telegraphs and telephones in the ordinary annual department receipts of the posts and telegraphs.

2. The expenditure is the actual expense of telephones and telegraphs in the ordinary annual expenditures for communications.

3. The detailed statement of revenue and expenditure is shown in the following table:

Comparison of revenue and expenditure for telegraphs and telephones from 1894 to 1896.

[In yen or dollars.]

Classification.	Receipts.	Expenditures.	Surplus receipts.
Telegraphs:			
1894	3,060,948	2,070,857	990,091
1895	3,590,818	2,486,234	1,104,584
1896	3,472,006	2,607,985	864,021
Telephones:			
1894	133,003	74,843	58,159
1895	142,430	90,760	51,669
1896	150,459	112,161	38,297

Table showing the amount of revenue for telegraphs and telephones from 1894 to 1896.

[In yen or dollars.]

Items.	1894.		1895.		1896.	
	Telegraphs.	Telephones.	Telegraphs.	Telephones.	Telegraphs.	Telephones.
Government works and property.						
Post and telegraphs	3,060,948	133,003	3,590,818	142,430	3,472,006	150,459
Sale of postage stamps	1,793,023	4,404	1,933,636	4,939	2,180,076	5,496
Foreign (country) telegrams	1,242,119	.....	1,626,820	.....	1,265,043	.....
The use of cipher	5,276	.....	5,934	.....	7,179	.....
Telephones	.....	124,185	.....	133,631	.....	141,127
Moving telephone instruments	.....	4,193	.....	3,709	.....	3,715
Telegraph management	4,889	.....	6,138	.....	5,706	.....
Repair of telegraphs and telephones	15,581	183	14,978	.....	13,961	.....
Compensation for damages of telegraphs and telephones	57	36	49	149	39	119
Telegraphs in Formosa	.....	.....	3,262	.....	.....	.....
Total	3,060,948	133,003	3,590,818	142,430	3,472,006	150,459

Table showing the amount of expenditure for telegraphs and telephones from 1894 to 1896.

[In yen or dollars.]

Items.	1894.		1895.		1896.	
	Telegraphs.	Telephones.	Telegraphs.	Telephones.	Telegraphs.	Telephones.
Communication expenses	2,070,857	74,843	2,486,234	90,760	2,607,985	112,161
Salaries and allowances	350,816	10,527	397,824	13,299	445,984	14,801
Salaries for sonin rank	17,388	2,973	16,515	3,562	13,259	4,098
Salaries for hanin rank	316,445	7,553	352,682	9,238	388,001	9,805
Bonus for retired officials	2,835	.....	2,632	.....	7,400	.....
Pensions	1,082	.....	1,683	.....	1,385	.....
Rewards	13,064	.....	24,310	498	35,938	897
Office expenses	55,209	5,186	48,495	4,005	57,640	5,713
Expenses for furniture	10,063	1,070	7,682	1,266	8,748	1,580
Books and printing expenses	5,367	248	11,492	293	12,386	269
Stationery	8,696	904	10,694	681	11,694	1,027
Do	30,170	2,452	17,831	1,378	23,995	2,371
Transportation	910	511	794	384	815	464
Repairs	5,803	440	5,606	1,462	12,168	1,304
Repairs of various places	5,803	440	5,606	1,462	12,168	1,304
International Postal Union	542	.....	304	.....	465	.....
Preservation of central telegraph office	542	.....	304	.....	465	.....
Casualty fund	254	10	197	1	747	28
Communication business	666,311	42,657	745,265	62,038	918,987	80,323
Tools and implements	29,446	5,375	27,422	11,710	35,511	8,651
Blank forms and sundries	82,117	8,303	107,520	6,229	142,336	8,147
Transportation of tools and materials	8,322	396	8,509	173	8,541	933
Manufacture and management of stamps	99,079	83	111,604	284	130,701	.....
Remuneration for the chiefs of third-class post-offices	4,749	.....	6,508	.....	12,958	.....
Remuneration for the retired chiefs of third-class post and telegraph offices	319	.....	177	.....	675	.....
Pensions for the chiefs of third-class post and telegraph offices	152	.....	119	.....	220	.....
Post and telegraph offices under third-class	114,276	.....	115,631	.....	127,236	.....
Delivery expenses	121,594	.....	136,683	.....	162,923	.....
Carts, horses, and ships	790	.....	631	.....	1,115	.....
Uniforms	10,343	.....	11,107	.....	13,435	.....
Fee for telegraph management	14,624	.....	17,319	.....	23,869	.....
Management of telegraph exchange	.....	.....	.....	11,487	.....	14,516
Preservation of telegraph and telephone wires	159,980	28,138	176,324	31,580	224,501	44,597
Wages for workmen	.....	.....	.....	.....	.....	2,812
Electrical experiments	4,664	360	9,071	502	16,325	664

Table showing the amount of expenditure for telegraphs and telephones, etc.—Continued.

Items.	1894.		1895.		1896.	
	Telegraphs.	Telephones.	Telegraphs.	Telephones.	Telegraphs.	Telephones.
Miscellaneous expenses	15,849	.....	16,632	.....	18,633	.....
Compensation and lawsuits	192	.....	55	.....	80	116
Compensation	.....	.....	10	.....	.....	116
Lawsuits	192	.....	45	.....	80	.....
Various refunded payments	893,456	.....	1,212,837	.....	1,035,614	.....
Payment for telegraphs to abroad	876,112	.....	1,185,198	.....	1,033,793	.....
Refunded telegram charges	17,343	.....	27,639	.....	1,821	.....
Traveling expenses	34,510	555	36,883	922	54,692	539
Traveling expenses in Japan	28,540	555	34,311	922	46,883	539
Traveling expenses abroad	5,970	.....	2,571	.....	7,858	9,335
Miscellaneous salaries and allowances	63,759	15,464	38,770	9,029	81,704	617
Salaries	6,118	278	5,650	268	24,609	3,797
Salaries, employees	32,981	4	8,736	3,553	22,882	1,834
Salaries for temporary employees	16,896	12,638	16,203	1,638	20,798	100
Clothing expense	514	89	588	82	834	2,985
Miscellaneous allowances	7,227	2,453	7,588	3,486	12,599	.....
Medical attendance for officials	4	.....	.....	.....	.....	.....
Police expenses	22	.....	2	.....	.....	.....
Total	2,070,857	74,843	2,486,234	90,760	2,607,985	112,161

[Inclosure No. 5.]

Present number of branch telegraph offices.

Years.	Number of offices.	Number of public and private branch telegraph offices.	Total.	Comparison with last fiscal year.
1892	569	64	633	.....
1893	636	80	716	83
1894	680	80	760	44
1895	689	96	785	25
1896	1,001	114	1,115	330

NOTE.—Offices for the management of public and private telegrams mentioned in the table refer to the places connected with railways where the public and private communications are managed.

Present number of telephone exchange offices and subscribers.

Years.	Telephone exchange offices.	Branch offices.	Subscribers.			
			Number.	Increase over previous years.	Number.	Increase over previous years.
1892	4	20	1,504	.....	845	.....
1893	4	24	2,672	1,168	1,797	952
1894	4	24	2,843	171	2,809	1,012
1895	4	24	2,858	15	4,098	1,289
1896	5	25	3,232	374	6,508	2,410

LENGTH OF WIRES.

[March 31, 1897.]

Telegraphs.—By land, 15,432 ri (38,580 miles) of wire; length of route, 4,720 ri (11,800 miles). (Ri = 2.5 miles.) Cable, 480.9 knots; length of route, 387.46 knots.
Telephones.—Length of wire, 2,803 ri 9 cho (7,010 miles). Length of route, 216 ri 19 cho (543 miles.) (Cho = about 360 feet.)

[Inclosure No. 7.]

Department instruction No. 8 (April 19, 1890).

The rate for the use of telephones, referred to in section 11 of the rules for the management of telephone exchanges, shall be, for Tokyo, 35 yen (or dollars) per annum for each place.

The fee for the use of a public telephone, referred to in section 15 of the same rules shall be, for Tokyo, 5 sen (5 cents) for each message.

Instruction No. 13, of June 24, 1890, fixes the same telephone rates for Yokohama as given above for Tokyo.

Instruction No. 14 (June, 1890).

The fee for the use of telephone between Tokyo and Yokohama, referred to in section 15 of the rules for telephone exchange, shall be 15 sen (15 cents) for each message, to be paid by the party calling for the communication.

Instruction No. 9, of April 21, 1892, fixes the same rate for the use of telephones in and between the cities of Osaka and Kobe as given above for use in and between the cities of Tokyo and Yokohama.

[Inclosure No. 8.]

Table showing the number of telegrams and charges for Japan and abroad.

Years.	Total number of messages.	Increase over previous year.	Rates.	Total sum of charges received (in yen or dollars).	Increase over previous year (in yen or dollars).	Rates.
1892	18,422,925			1,232,019		
1893	21,854,285	3,431,360	1.86	1,420,286	188,267	1.
1894	27,098,543	5,244,258	2.40	2,107,380	687,093	1.
1895	30,376,859	3,278,316	1.21	2,316,667	209,287	
1896	36,150,609	5,773,750	1.90	2,428,313	111,645	

Grand total of telegrams managed, mentioned in this table, is the sum of all telegrams received and dispatched throughout Japan, as well as to and from foreign countries, free or paid, and including forwarded telegrams.

The total amount of receipts is the total amount of revenue belonging to the Japanese Government. The amounts to be paid to the governments and telegraph companies of foreign countries are deducted from the fees received for telegrams to and from foreign countries.

Japanese telegrams sent.

NOTE.—The "number of messages" mentioned in this table refers to the number of characters in Japanese telegrams, and every ten or less than ten characters are counted as one "message;" likewise in the following tables.

Year.	Charged.										Uncharged official telegraphs.		Total.		
	Official telegraphs.			Private telegraphs.			Total.			Commissions.					
	Number of messages.	Number of telegrams.	Charges.	Number of messages.	Number of telegrams.	Charges.	Number of messages.	Number of telegrams.	Charges.		Number of messages.	Number of telegrams.	Number of messages.	Number of telegrams.	Charges.
			In yen or dollars.			*In yen or dollars.*			*In yen or dollars.*	*In yen or dollars.*					*In yen or dollars.*
1892:															
Japanese ..	965, 206	287, 426	121, 284, 630	6, 660, 585	4, 802, 649	940, 599, 635	7, 625, 791	5, 090, 075	1, 061, 884, 265	19, 890, 935	733, 088	223, 832	8, 378, 879	5, 313, 907	1, 081, 775, 200
European..	20, 559	1, 122	998, 190	418, 922	40, 798	23, 147, 985	439, 479	41, 920	24, 146, 175	790, 070	45, 480	4, 625	484, 959	46, 545	24, 936, 245
1893:															
Japanese ..	1, 030, 991	352, 065	130, 752, 950	7, 745, 844	5, 761, 067	1, 096, 194, 790	8, 776, 835	6, 113, 132	1, 226, 947, 740	23, 872, 645	868, 793	281, 674	9, 645, 628	6, 394, 806	1, 250, 820, 585
European..	28, 478	1, 621	1, 375, 960	451, 241	43, 101	24, 847, 670	479, 719	44, 722	26, 223, 630	814, 470	43, 723	4, 935	523, 442	49, 657	27, 038, 100
1894:															
Japanese ..	2, 101, 777	590, 197	283, 728, 815	9, 896, 657	7, 081, 826	1, 423, 713, 485	11, 998, 434	7, 672, 023	1, 707, 442, 300	3, 294, 730	1, 253, 822	385, 098	1, 325, 256	8, 057, 121	1, 740, 392, 030
European..	97, 214	3, 470	5, 625, 570	583, 275	54, 583	32, 290, 030	680, 489	58, 053	37, 915, 600	1, 083, 740	51, 355	5, 788	731, 844	63, 841	38, 999, 340
1895:															
Japanese ..	2, 149, 923	635, 414	272, 713, 790	10, 938, 939	7, 926, 240	1, 561, 610, 540	13, 088, 662	8, 561, 654	1, 834, 324, 330	39, 780, 054	1, 548, 937	462, 305	14, 637, 599	9, 023, 959	1, 874, 104, 375
European..	89, 058	3, 649	4, 547, 596	658, 122	62, 961	36, 357, 940	747, 176	66, 610	40, 905, 530	1, 463, 060	63, 302	9, 292	810, 498	73, 902	42, 368, 590
1896:															
Japanese ..	1, 676, 101	610, 083	218, 157, 145	13, 102, 916	9, 521, 787	1, 870, 335, 495	14, 779, 019	1, 013, 870	2, 088, 492, 640	46, 314, 460	2, 217, 333	649, 681	16, 996, 350	10, 781, 551	2, 134, 807, 100
European.	41, 189	2, 425	1, 995, 890	654, 544	64, 889	38, 078, 890	695, 733	67, 314	40, 074, 780	1, 234, 090	79, 119	8, 778	774, 852	76, 102	41, 308, 870

Japanese telegrams received.

Year.	Charged.				Uncharged official telegrams.		Total.		
	Official and private telegrams.			Commissions.					
	Number of messages.	Number of telegrams.	Charges.		Number of messages.	Number of telegrams.	Number of messages.	Number of telegrams.	Charges.
			In yen or dollars.	*In yen or dollars.*					*In yen or dollars.*
1892:									
Japanese	7,660,534	5,089,541	1,023,545	349,080	2,547,339	714,335	10,207,893	5,803,876	1,372,625
European	438,315	41,915	131,050	23,900	49,159	4,861	487,474	46,776	154,950
1893:									
Japanese	8,768,841	6,112,356	1,216,240	412,275	2,220,938	627,903	10,989,779	6,740,259	1,628,515
European	477,670	44,718	127,630	23,010	49,109	5,400	526,779	50,118	150,640
1894:									
Japanese	12,010,714	7,671,138	1,643,890	652,210	3,139,245	834,156	15,149,959	8,505,294	2,296,100
European	679,577	58,024	153,530	45,560	53,244	6,069	732,821	64,093	199,090
1895:									
Japanese	13,072,907	8,559,538	1,983,545	918,430	3,015,118	810,690	16,088,025	9,370,228	2,901,975
European	745,105	66,595	400,630	87,680	229,580	20,896	974,685	87,491	487,890
1896:									
Japanese	14,734,065	10,130,486	2,473,245	941,075	4,944,837	1,144,034	19,678,902	11,274,520	3,414,320
European	692,270	67,298	224,140	68,750	562,738	47,878	1,255,008	115,176	292,890

Table showing the amount of expenditure for telegraphs and telephones, etc.—Continued.

Items.	1894.		1895.		1896.	
	Telegraphs.	Telephones.	Telegraphs.	Telephones.	Telegraphs.	Telephones.
Miscellaneous expenses	15,849	.....	16,632	.....	18,633	.....
Compensation and lawsuits	192	.....	55	.....	80	116
Compensation	.....	.....	10	.....	.....	116
Lawsuits	192	.....	45	.....	80	.....
Various refunded payments	893,456	.....	1,212,837	.....	1,035,614	.....
Payment for telegraphs to abroad	876,112	.....	1,185,198	.....	1,033,793	.....
Refunded telegram charges	17,343	.....	27,639	.....	1,821	.....
Traveling expenses	34,510	555	36,883	922	54,692	539
Traveling expenses in Japan	28,540	555	34,311	922	46,883	539
Traveling expenses abroad	5,970	.....	2,571	.....	7,858	9,335
Miscellaneous salaries and allowances	63,759	15,464	38,770	9,029	81,704	617
Salaries	6,118	278	5,650	268	24,609	3,797
Salaries, employees	32,981	4	8,736	3,553	22,882	1,834
Salaries for temporary employees	16,896	12,638	16,203	1,638	20,798	100
Clothing expense	514	89	588	82	834	2,985
Miscellaneous allowances	7,227	2,453	7,588	3,486	12,599	.....
Medical attendance for officials	4	.....	.....	.....	.....	.....
Police expenses	22	.....	2	.....	.....	.....
Total	2,070,857	74,843	2,486,234	90,760	2,607,985	112,161

[Inclosure No. 5.]

Present number of branch telegraph offices.

Years.	Number of offices.	Number of public and private branch telegraph offices.	Total.	Comparison with last fiscal year.
1892	569	64	633	.....
1893	636	80	716	83
1894	680	80	760	44
1895	689	96	785	25
1896	1,001	114	1,115	330

NOTE.—Offices for the management of public and private telegrams mentioned in the table refer to the places connected with railways where the public and private communications are managed.

Present number of telephone exchange offices and subscribers.

Years.	Telephone exchange offices.	Branch offices.	Subscribers.			
			Number.	Increase over previous years.	Number.	Increase over previous years.
1892	4	20	1,504	.....	845	.....
1893	4	24	2,672	1,168	1,797	952
1894	4	24	2,843	171	2,809	1,012
1895	4	24	2,858	15	4,098	1,289
1896	5	25	3,232	374	6,508	2,410

LENGTH OF WIRES.

[March 31, 1897.]

Telegraphs.—By land, 15,432 ri (38,580 miles) of wire; length of route, 4,720 ri (11,800 miles). (Ri = 2.5 miles.) Cable, 480.9 knots; length of route, 387.46 knots.
Telephones.—Length of wire, 2,803 ri 9 cho (7,010 miles). Length of route, 216 ri 19 cho (543 miles.) (Cho = about 360 feet.)

[Inclosure No. 7.]

Department instruction No. 8 (April 19, 1890).

The rate for the use of telephones, referred to in section 11 of the rules for the management of telephone exchanges, shall be, for Tokyo, 35 yen (or dollars) per annum for each place.

The fee for the use of a public telephone, referred to in section 15 of the same rules shall be, for Tokyo, 5 sen (5 cents) for each message.

Instruction No. 13, of June 24, 1890, fixes the same telephone rates for Yokohama as given above for Tokyo.

Instruction No. 14 (June, 1890).

The fee for the use of telephone between Tokyo and Yokohama, referred to in section 15 of the rules for telephone exchange, shall be 15 sen (15 cents) for each message, to be paid by the party calling for the communication.

Instruction No. 9, of April 21, 1892, fixes the same rate for the use of telephones in and between the cities of Osaka and Kobe as given above for use in and between the cities of Tokyo and Yokohama.

[Inclosure No. 8.]

Table showing the number of telegrams and charges for Japan and abroad.

Years.	Total number of messages.	Increase over previous year.	Rates.	Total sum of charges received (in yen or dollars).	Increase over previous year (in yen or dollars).	Rates.
1892	18,422,925	.....	.....	1,232,019	.....	.....
1893	21,854,285	3,431,360	1.86	1,420,286	188,267	1.53
1894	27,098,543	5,244,258	2.40	2,107,380	687,093	4.83
1895	30,376,859	3,278,316	1.21	2,316,667	209,287	.99
1896	36,150,609	5,773,750	1.90	2,428,313	111,645	.48

Grand total of telegrams managed, mentioned in this table, is the sum of all telegrams received and dispatched throughout Japan, as well as to and from foreign countries, free or paid, and including forwarded telegrams.

The total amount of receipts is the total amount of revenue belonging to the Japanese Government. The amounts to be paid to the governments and telegraph companies of foreign countries are deducted from the fees received for telegrams to and from foreign countries.

Japanese telegrams sent.

NOTE.—The "number of messages" mentioned in this table refers to the number of characters in Japanese telegrams, and every ten or less than ten characters are counted as one "message;" likewise in the following tables.

Year.	Charged.										Uncharged official telegraphs.		Total.		
	Official telegraphs.			Private telegraphs.			Total.			Commissions.					
	Number of messages.	Number of telegrams.	Charges.	Number of messages.	Number of telegrams.	Charges.	Number of messages.	Number of telegrams.	Charges.		Number of messages.	Number of telegrams.	Number of messages.	Number of telegrams.	Charges.
			In yen or dollars.			*In yen or dollars.*			*In yen or dollars.*	*In yen or dollars.*					*In yen or dollars.*
1892:															
Japanese ..	965, 206	287, 426	121, 284, 630	6, 660, 585	4, 802, 649	940, 599, 635	7, 625, 791	5, 090, 075	1, 061, 884, 265	19, 890, 935	733, 088	223, 832	8, 378, 879	5, 313, 907	1, 081, 775, 200
European..	20, 559	1, 122	998, 190	418, 922	40, 798	23, 147, 985	439, 479	41, 920	24, 146, 175	790, 070	45, 480	4, 625	484, 959	46, 545	24, 936, 245
1893:															
Japanese ..	1, 030, 991	352, 065	130, 752, 950	7, 745, 844	5, 761, 067	1, 096, 194, 790	8, 776, 835	6, 113, 132	1, 226, 947, 740	23, 872, 645	868, 793	281, 674	9, 645, 628	6, 394, 806	1, 250, 820, 585
European..	28, 478	1, 621	1, 375, 960	451, 241	43, 101	24, 847, 670	479, 719	44, 722	26, 223, 630	814, 470	43, 723	4, 935	523, 442	49, 657	27, 038, 100
1894:															
Japanese ..	2, 101, 777	590, 197	283, 728, 815	9, 896, 657	7, 081, 826	1, 423, 713, 485	11, 998, 434	7, 672, 023	1, 707, 442, 300	3, 294, 730	1, 253, 822	385, 098	1, 325, 256	8, 057, 121	1, 740, 392, 030
European..	97, 214	3, 470	5, 625, 570	583, 275	54, 583	32, 290, 030	680, 489	58, 053	37, 915, 600	1, 083, 740	51, 355	5, 788	731, 844	63, 841	38, 999, 340
1895:															
Japanese ..	2, 149, 923	635, 414	272, 713, 790	10, 938, 939	7, 926, 240	1, 561, 610, 540	13, 088, 662	8, 561, 654	1, 834, 324, 330	39, 780, 054	1, 548, 937	462, 305	14, 637, 599	9, 023, 959	1, 874, 104, 375
European..	89, 058	3, 649	4, 547, 596	658, 122	62, 961	36, 357, 940	747, 176	66, 610	40, 905, 530	1, 463, 060	63, 302	9, 292	810, 498	73, 902	42, 368, 590
1896:															
Japanese ..	1, 676, 101	610, 083	218, 157, 145	13, 102, 916	9, 521, 787	1, 870, 335, 495	14, 779, 019	1, 013, 870	2, 088, 492, 640	46, 314, 460	2, 217, 333	649, 681	16, 996, 350	10, 781, 551	2, 134, 807, 100
European.	41, 189	2, 425	1, 995, 890	654, 544	64, 889	38, 078, 890	695, 733	67, 314	40, 074, 780	1, 234, 090	79, 119	8, 778	774, 852	76, 102	41, 308, 870

Japanese telegrams received.

Year.	Charged.				Uncharged official telegrams.		Total.		
	Official and private telegrams.			Commissions.					
	Number of messages.	Number of telegrams.	Charges.		Number of messages.	Number of telegrams.	Number of messages.	Number of telegrams.	Charges.
			In yen or dollars.	*In yen or dollars.*					*In yen or dollars.*
1892:									
Japanese	7,660,534	5,089,541	1,023,545	349,080	2,547,339	714,335	10,207,893	5,803,876	1,372,625
European	438,315	41,915	131,050	23,900	49,159	4,861	487,474	46,776	154,950
1893:									
Japanese	8,768,841	6,112,356	1,216,240	412,275	2,220,938	627,903	10,989,779	6,740,259	1,628,515
European	477,670	44,718	127,630	23,010	49,109	5,400	526,779	50,118	150,640
1894:									
Japanese	12,010,714	7,671,138	1,643,890	652,210	3,139,245	834,156	15,149,959	8,505,294	2,296,100
European	679,577	58,024	153,530	45,560	53,244	6,069	732,821	64,093	199,090
1895:									
Japanese	13,072,907	8,559,538	1,983,545	918,430	3,015,118	810,690	16,088,025	9,370,228	2,901,975
European	745,105	66,595	400,630	87,680	229,580	20,896	974,685	87,491	487,890
1896:									
Japanese	14,734,065	10,130,486	2,473,245	941,075	4,944,837	1,144,034	19,678,902	11,274,520	3,414,320
European	692,270	67,298	224,140	68,750	562,738	47,878	1,255,008	115,176	292,890

Number of forwarded telegrams.

Year.	Telegrams.	Year.	Telegrams.
1892	7, 106, 178	1895	11, 508, 155
1893	8, 507, 799	1896	13, 661, 763
1894	10, 169, 382		

The places where telephone exchanges were established at the end of 1892 were the cities of Tokyo, Yokohama, Osaka, and Kobe, and the number had not changed since then, up to the end of 1896.

Communication between the cities of Osaka and Kobe was opened on the 25th of March, 1893, and the number of communications given in this table dates from the 27th of the same month. The communications between these cities in 1892 were only for a week or less, as also in the following tables.

Table showing the number of times of telephones used and charges.

Year.	Total number of times.	Increase over previous year.	Total charges.	Increase over previous year.
1892	3, 171, 940	.....	$47, 445	.....
1893	7, 702, 402	4, 530, 462	92, 918	$45, 472
1894	13, 497, 804	5, 795, 402	128, 589	35, 671
1895	13, 088, 830	408, 974	138, 571	9, 981
1896	12, 238, 407	850, 423	146, 624	8, 053

The total number of messages between subscribers is a rough calculation.

Telephones in cities.

Year.	Number of subscribers.		Telephones used in offices.		Not subscribers--charges.
	Number of times (approximate).	Subscription.	Number of times.	Number of specified times.	
1892	8, 088, 205	$37, 524	29, 236	29, 756	$1, 482
1893	7, 548, 659	72, 599	37, 543	38, 654	1, 932
1894	13, 278, 155	97, 262	39, 335	40, 472	2, 023
1895	12, 837, 339	101, 967	44, 421	45, 505	2, 275
1896	11, 968, 407	106, 555	47, 674	48, 703	2, 435

The "number of times" refers to the time spent in communications, and five minutes are calculated as one "time," as also in the following tables.

Telephones between various cities.

Year.	Number of subscribers.			Telephones used in offices, besides subscribers.			Total.		
	Number of times.	Number of specified times.	Subscription in yen or dollars.	Number of times.	Number of specified times.	Charges.	Number of times.	Number of specified times.	Charges.
1892	47, 671	49, 264	$7, 397	6, 828	6, 941	$1, 041	54, 499	56, 205	$8, 438
1893	105, 994	111, 886	16, 782	10, 206	10, 687	1, 603	116, 200	122, 573	18, 385
1894	165, 354	179, 482	26, 923	14, 960	15, 868	2, 380	180, 314	195, 350	29, 303
1895	190, 285	211, 094	31, 664	16, 785	17, 761	2, 664	207, 070	228, 855	34, 328
1896	203, 155	230, 480	34, 572	19, 171	20, 409	3, 061	222, 326	250, 890	37, 633

NOTE.—"Telephones between various cities" are those between Tokyo and Yokohama and between Osaka and Kobe.

Imperial Government telegraphs.

(Forwarded message form.)

Time Sent	Station to	By	Remarks:	Charges { Telegram / Total
Class	Original Office			Space for stamps
No.	Words			
Date 18	Time m			
Delivery Station				
Address				

(Please write distinctly.)

Signature of sender

NOTE.—The name and (or) address of the sender, if to be telegraphed, should be written as the last word of the message, otherwise the signature is not transmitted but is required to certify the genuineness of the telegram.

KOREA.

Mr. Allen to Mr. Day.

LEGATION AND CONSULATE-GENERAL
OF THE UNITED STATES,
Seoul, Korea, September 27, 1897.

SIR: I have the honor to hand you herewith a report on Korean telegraph lines and one on Korean customs tariffs.

I herewith acknowledge the receipt of Department circulars of July 17 on posts and telegraphs.

I have the honor, etc.,

HORACE N. ALLEN.

REPORT ON KOREAN TELEGRAPH LINES AND MANAGEMENT.

Korea has no telephones or postal savings banks. She has a domestic postal system, and I inclose a printed copy of the Korean Postal Guide.

The Japanese maintain a telegraph and cable line from Seoul and Chemulpo to Japan via Fusan, and messages to and from the United States go by this line. It is entirely subject to Japanese telegraphic regulations, and I will not mention it further, as it will be reported upon from Japan.

Korea maintains telegraph lines from Seoul to Gensan on the eastern coast, and Chemulpo on the west. It also now controls the old Chinese line to Weiju on the northwest border, which takes in the large cities of Songdo and Ping-Yang. Messages to China usually go by this route, but not much foreign business is done by this line owing to the fact that its charges are much in excess of those of the line to Japan.

Few press telegrams enter or leave Korea. The Reuter telegrams are now sent to Seoul from Tientsin over the Korean line, and Japanese press messages go to Japan by way of Fusan and the Japanese line.

By courtesy of the Danish manager of Korean telegraphs, I am enabled to hand you inclosed a printed copy of the Korean telegraph regulations, as well as to answer the interrogatories of the circular on this subject, dated July 17, as follows:

9. Korea owns the telegraph lines from Seoul to Gensan and Chemulpo through construction, and the line from Seoul to Weiju partly through new construction and partly by repair of the old Chinese line abandoned after the war with Japan.

11. The original cost of the Chinese line to Weiju, built in 1885, was $30, Mexican, per Chinese li complete, equal at that time to about $72, gold, per English mile, or $45 per English mile (gold) at the present rate of exchange.

12. The annual receipts of the Korean telegraph lines while owned by China were about $7,000 to $8,000, Mexican; expenditures problematical.

14. Present cost of construction of telegraph lines in Korea is dearer than formerly.

15. The Government does not sell telegraphic stamps.

18. There is no restriction on messages inside Korean territory as to distance. All messages are accepted at the uniform rate of 10 cents per foreign word.

19. Press messages are arranged for at the pleasure of the minister of communications. Reuter telegrams are now charged for at the rate of 1 cent per word inside Korean territory.

20. Press telegrams will now average about 100 words daily.

21. The receipts for messages over the Korean lines for the current year, exclusive of outpayments for transmission over Chinese lines, are expected to amount to $10,000 silver ($5,000 gold).

At present Korea has only six telegraph offices connected with her own lines, and 560 miles of overhead wire. Lines are expected to be run to the new ports just being opened—Mokpo and Chenampo—during this year.

HORACE N. ALLEN,
United States Consul-General.

UNITED STATES CONSULATE-GENERAL,
Seoul, Korea, September 27, 1897.

KOREAN TELEGRAPH REGULATIONS.

All matters, personal or otherwise, relating to the telegraph service are under the control of the department of agriculture and commerce.

The telegraph offices are divided into the following two classes:

First class. Pro tem. only.

Second class. Seoul, Chemulpo, Sungdo, Ping-Yang, Echow, Yuensan, Choongchu, Hongchu, Kongchu, Chungchu, Namwon, Nachu, Chaichu, Chinchu, Kosung, Tehku, Andong, Kangnung, Choonchun, Kehsung, Haichu, Pyengyang, Kangkai, Hamhung, Kapsan.

Telegrams will be divided into the following three classes: First, government telegrams; second, service telegrams; third, private telegrams.

Government telegrams are such as emanate from ministers of state, the cabinet, chiefs of departments, governors and magistrates of cities, commanders of land and sea forces, as well as diplomatic or consular agents accredited to the Korean Government.

Service telegrams are such as are exchanged between the different telegraph offices, and which relate to service matters only.

Private telegrams are such as are handed in to the telegraph offices by private persons for transmission.

Express charges are fixed as follows: If the residence of the addressee is 10 li (2½ miles) or within 10 li from the office, no extra charge will be made. If his residence is beyond this distance, then the sender will be charged at the rate of 15 cents for every additional 10 li or fraction of 10 li.

Charges for telegrams are fixed as follows: Ernmun, 1 cent per word; Chinese, 3 cents per character; foreign, 10 cents per word of 10 letters.

A translation fee of 10 per cent on the charges will be collected for all translations undertaken by the telegraph offices for the public.

If a telegram is received in an office for a party living at a great distance, it can be forwarded to him either by post, by boat, or by horse, and the expense will be charged to the receiver if it has not already been charged at the sending station.

Registration of code addresses will be charged for at the rate of $10 for each address.

Telegrams handed in for transmission must be written in Ernmun, Chinese, or plain foreign letters or figures.

LUXEMBURG.

Mr. Murphy to Mr. Day.

WASHINGTON, D. C., *December 2, 1897.*

SIR: Referring to the Department's circular of July 17 last, calling for reports on postal telegraphs, telephones, and postal savings banks, I have the honor to transmit herewith replies to the various questions contained in the circular, covering the Grand Duchy of Luxemburg. The telegraph and telephone systems of Luxemburg are very complete.

I also inclose full official information on the subject.

Respectfully,

GEORGE H. MURPHY,
Consular Clerk.

Answers to queries contained in Department's circular of July 17, 1897, relative to postal telegraphs, telephones, and postal savings banks.

1. Copies of all existing laws as to postal telegraphs and telephones in the Grand Duchy of Luxemburg are transmitted herewith.

2 to 8. There are no postal savings banks in the Grand Duchy.

9 to 14. The telegraphs and telephones of Luxemburg have always been owned and operated by the Government.

15. The Government has issued telegraph stamps of the following denominations: 5, 25, and 50 centimes, and 1 and 5 francs (1, 5, 10, and 20 cents, and $1). No telephone stamps have been issued.

16. Telegraph stamps are sold at telegraph, tax, and registration offices. The stamps are at once canceled when the telegrams are handed in for transmission.

17 and 18. No limit is placed upon the number of words in a telegram. The charge for domestic telegrams is 3½ centimes (seven-tenths of a cent) per word, with a minimum of 35 centimes (7 cents). For telephonic messages 35 centimes (7 cents) is charged for a conference of five minutes or less.

19 and 20. Press telegrams are not received.

21. In 1896 the 134 telegraph offices of the Grand Duchy (Luxemburg has an area of 1,000 square miles) sent and received 122,617 telegrams, the net receipts being 49,780 francs (nearly $10,000). From the 93 telephone offices, with 1,233 subscribers, 1,929,245 communications were effected. The receipts of the public telephone stations amounted

to 5,272 francs (a little more than $1,000), while the subscribers paid in 84,291 francs (nearly $17,000). There were other miscellaneous receipts, amounting to 3,927 francs (nearly $800).

GEORGE H. MURPHY,
United States Consular Clerk.

DECEMBER 2, 1897.

LUXEMBURG, *October 9, 1897.*

To the DIRECTOR-GENERAL:

In compliance with your memorandum of the 12th of last August, No. 4891, I have the honor to send you the instructions and rates connected with the telegraph and telephone service of our country. The service of the postal savings bank not being organized in our country, no information on that subject can be furnished. It is the same case with several other questions which interest only the Administrations of countries in which the telegraph and telephone were exploited by private companies whose lines were afterwards bought by the Administrations. The Grand Duchy having always exploited the telegraph and telephone lines itself, it remains to me to answer questions asked on certain details of the service. The answers to these questions follow in the order in which they are asked.

15. The Government has issued telegraph stamps for the stamping of telegrams. Their values are 5, 25, and 50 centimes, and 1 and 5 francs (1, 5, 10, and 20 cents, and $1). Telephone stamps have not been issued, telephone charges being collected in money.

16. Telegraph stamps are sold by telegraph offices, the receivers of taxes and of registrations. The product of the sale of stamps is carried to the receipts of the telegraph offices. Stamps put on the telegrams are canceled by the employee at the window at the time the telegram is deposited.

17 and 18. The number of words in telegrams is not limited. The rates are fixed for the interior at 3.5 centimes (seven-tenths of a cent) a word, with a minimum of 35 centimes (7 cents). For telephone communications the charges are 35 centimes (7 cents) for five minutes' conversation.

19 and 20. Press telegrams are not admitted.

21. In 1896 134 telegraph offices transmitted and received 122,617 telegrams. The net receipts amounted to 49,780 francs (about $10,000). The telephone offices, 93 in number, with 1,233 subscribers, had 1,929,245 communications of all kinds. The receipts for conversations held in the public offices amounted to 5,272.60 francs (over $1,000), the subscriptions to 84,291 francs ($16,858), and extra receipts amounted to 3,927 francs ($785).

J. P. REIS, *Inspector.*

The laws and decrees concerning the service of Government telephone stations and telegraph offices in Luxemburg that accompany the papers establish rules and regulations that do not differ materially from those established in other countries, as set forth in this document, so that their repetition here is unnecessary.

The rates applied to domestic telegraph correspondence are as follows:

The charge on every ordinary telegram is a fixed charge of 20 centimes (4 cents), to which is added a charge of 2½ centimes (one-half cent) a word, the number of words being regulated by the rules of the international service as far as they relate to the telegraphic relations between the countries of Europe.

The stamping of an answer to a telegram is equal to the charge on an ordinary telegram of the length specified for the answer.

The charge for verification is equal to half that on a telegram to be verified, considered as ordinary.

The acknowledgment of receipt of a telegram is charged as an ordinary telegram of ten words.

Every fresh sending of a telegram to follow a person is charged as a new telegram.

Multiple telegrams to be sent to several addresses through the medium of one telegraph office are charged as a single telegram; but there is collected besides on each copy as many times 50 centimes (10 cents) for a telegram not exceeding 100 words as there are different addresses, minus one. Above 100 words the rate increases by 50 centimes for a series or fraction of a series of 100 words.

Domestic telegrams, addressed outside the radius of free delivery, are sent from the receiving office to their destination by mail or messenger, as the sender wishes. There is no charge to the sender or recipient when they are sent by mail. When sent by messenger, the actual expenses of the receiving office in sending it must be refunded.

In the domestic service charges known at the departure of the telegram are collected from the sender. Extra charges for the redispatching of telegrams following a person and messenger charges are collected from the person receiving the telegram. In the Government telegraph offices the stamping of interior and international telegrams is done with adhesive stamps. Telegrams relative to telegraph service are transmitted free of charge.

MEXICO.

Mr. Clayton to Mr. Sherman.

LEGATION OF THE UNITED STATES,
Mexico, November 12, 1897.

SIR: Referring to your printed circular, dated July 17 last, I have the honor to inclose copy and translation of a note from Mr. Mariscal, transmitting a report from the department of communications, copy and translation inclosed, giving information as to the practical workings of the postal telegraphs, telephones, and postal savings banks in Mexico, together with the twenty-one inclosures that accompanied this report. The replies to the questions in your circular are as follows:

1. Twenty-one inclosures are transmitted, containing the laws and regulations in force in relation to telegraphs, and a pamphlet containing a study of statistics relating to telegraphs for the first semester of the present year. There are no laws as yet regulating the telephone service. There is no legislation in respect to postal savings banks, there being no banks.

2 to 8. There are no postal savings banks. However, the Government is considering the matter of their establishment.

9. The telegraph lines in the Republic are owned by the Federal Government, by the States, by private individuals, and by the railroad companies. All are independent in administration and management.

The Government telephones are used for official business, and only connect Government offices in the same locality.

There are public telephone lines in several of the States belonging to the local governments and to companies, and private lines belonging to individuals.

10. Of the telegraph lines owned by the Federal Government, only those of the Jalisco Company, between Mexico and Guadalajara, Guadalajara and Manzanillo, and between Guadalajara and San Blas, were acquired by purchase. The price was agreed upon.

11. The cost of the Jalisco lines to the original company is not known. The Government paid for the 2,514 kilometers (1,510 miles) the sum of $105,000.

12. The receipts and expenditures of the telegraph lines of the country under private management are not known. The Federal lines, in addition to official business, have received in cash, from the fiscal year of 1879–80, for transporting telegrams for the public, the following:

Fiscal year.	Receipts.	Fiscal year.	Receipts.	Fiscal year.	Receipts.
1879–80	$126, 962	1885–86	$155, 185	1891–92	$496, 314
1880–81	163, 231	1886–87	184, 487	1892–93	518, 277
1881–82	179, 334	1887–88	246, 600	1893–94	522, 461
1882–83	225, 570	1888–89	316, 130	1894–95	550, 276
1883–84	237, 680	1889–90	396, 657	1895–96	618, 013
1884–85	187, 279	1890–91	469, 305	1896–97	701, 504

13. In 1890, when the Government purchased the Jalisco lines, it had 272 offices and 28,064 kilometers (16,840 miles) of line. To-day it has 323 offices and 44,219 kilometers (26,532 miles) of wire on 30,398 kilometers (18,240 miles) of line.

14. There is no data regarding the cost of private telegraph lines. The lines of the Federal Government cost, on an average, $65 a kilometer on the Central Plateau and $100 on the coasts ($108 and $166 a mile).

15 and 16. The use of stamps in payment for the transmission of telegrams has not yet been adopted. Cash is collected.

17. Ten words is the minimum for internal messages, the tariff ranging from 20 cents to $2, according to distance.

18. The tariff in force on the Federal telegraph lines, copy inclosed, consists of ten prices, increased by 20 cents from the minimum tariff of 20 cents to the maximum of $2. A map of the Republic, constructed on a scale of 1:3,000,000, is taken as a basis; a series of nine circles, each having for center the office which fixes the tariff, and the radii of which increase progressively by 4 centimeters, so that a telegram of ten words sent to any point within the first circle will cost 20 cents; to any point between the first and second, 40 cents; and so on up to $2, each word in excess of ten costs 10 per cent of the tariff for ten words.

19. Press telegrams pay 1 cent a word for any distance.

20. On an average, a thousand words are transmitted daily for the press.

21. As may be seen from the data under No. 12, the cash returns of the Federal lines have increased each year. The value of all the work done during the fiscal year 1896–97 is as follows:

Messages for the public	$701, 504
Official messages	456, 596
Messages for the service	96, 516
Total	1, 254, 616

I have the honor, etc.,

POWELL CLAYTON.

Mr. Mariscal to Mr. Clayton.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, November 8, 1897.

MR. MINISTER: Referring to your excellency's note of August 17 ultimo, I have the honor to send herewith copy of a communication from the minister of communications, dated September 23 last, in rela-

tion to the information your excellency desires regarding telegraph and telephone systems and postal savings banks of the Republic; and I send, under separate cover, the twenty-one documents mentioned in said communication.

I renew, etc., IGNO. MARISCAL.

Department of Communications to Mr. Mariscal.

I have the honor to reply to your note, sent through the Consular Bureau, dated the 20th ultimo, giving you the information desired from the telegraph bureau, in the order requested by the United States minister.

1. In twenty-one inclosures are sent the laws and regulations in force in relation to telegraphs, and a pamphlet containing a study of statistics relating to telegraphs for the first semester of the present year. There are no laws as yet regulating the telephone service. There is no legislation in respect to postal savings banks, there being no banks.

2 to 8. There are no postal savings banks. However, the Government is considering the matter of their establishment.

9. The telegraph lines in the Republic are owned by the Federal Government, by the States, by private individuals, and by the railroad companies. All are independent in administration and management.

The Government telephone lines are used for official business, and only connect Government offices in the same locality.

There are some public telephone lines in several of the States belonging to the local governments and to companies, and private lines belonging to individuals.

The law of December 16, 1881, referred to in Mr. Clayton's dispatch, declares that the Executive shall regulate the service of the railroads, telegraphs, and telephones, constructed or to be constructed on Mexican territory, and that those means of communication shall remain exclusively subject to the Federal powers.

It also provides that the railroads, telegraphs, and telephones already constructed or which may hereafter be constructed by the States within their territory shall be subject to the local laws and authorities as long as they do not interfere with a line which has the character of a general road. To that same legislation and authority shall be subject those lines which private persons construct within the territory of a State and which have no communication with another State. The Executive is also authorized to acquire, when he believes it opportune, by means of contract or expropriation, the telegraphs and telephones which are not purely local, with the object of merging the telegraphic and telephonic service in the postal service.

THE NETHERLANDS.

Mr. Newel to Mr. Sherman.

LEGATION OF THE UNITED STATES,
The Hague, October 18, 1897.

SIR: Referring to Department circular dated July 17, 1897, relating to the practical workings of the postal telegraphs, telephones, and postal savings banks, and instructing me to apply to the Netherlands

Government for such information as may be obtainable, I have the honor to transmit herewith a copy of the correspondence that has passed between the legation and the foreign office on the subject, together with a copy of the replies of the Netherlands Government to the interrogatories contained in the above mentioned circular, with translation, and under separate cover of this date the printed matter mentioned in the note from the foreign office.

Hereto I have annexed the several forms in use in the different parts of the service.

I have the honor, etc.,

STANFORD NEWEL.

LEGATION OF THE UNITED STATES,
The Hague, August 3, 1897.

SIR: I have the honor to inclose herewith a duplicate copy of a circular this day received from the Department of State, instructing me to obtain as full information as possible as to the nature and practical workings of the postal telegraphs, telephones, and postal savings banks of the Netherlands.

Thanking your excellency in advance on behalf of my Government for such assistance as you may be able to afford me, I seize this occasion to express the assurance of my high consideration.

STANFORD NEWEL.

His Excellency M. W. H. DE BEAUFORT,
Minister of Foreign Affairs.

THE HAGUE, *October 12, 1897.*

M. MINISTER: Replying to your note of August 3 last, in which you ask for information with regard to the postal telegraphs, telephones, and postal savings banks of the Netherlands, I have the honor to inclose herewith a note, with annexed documents, containing the information desired.

Accept, M. Minister, the renewed assurance of my high consideration.

W. H. DE BEAUFORT.

M. STANFORD NEWEL,
Envoy Extraordinary and Minister
Plenipotentiary of the United States of America.

REPORT.

Question 1. Hereto are annexed a copy of the law of March 7, 1852, regulating communication by means of electro-magnetic telegraphs, supplemented by the law of December 3, 1869; a copy of the royal decree of September 15, 1886, revised by that of September 14, 1892, regulating the conditions under which, with the cooperation of the communes, Government telegraph and telephone offices may be established in smaller places; and a copy of the royal decree of May 24, 1897, sanctioning a list of rules regarding the State telegraph service.

Up to the present the telegraph law of 1852 has been made to apply to telephones. The conditions under which the communes may be connected with the intercommunal telephone lines are fixed by the royal order of June 16, 1897, a copy of which is also annexed hereto.

POSTAL SAVINGS BANKS.

In No. 12 of the collection of regulations relating to the postal and telegraph service of 1896, of which a copy is also annexed, are inserted the law of May 25, 1880, as revised by the law of July 20, 1895, establishing a postal savings bank; the royal order of January 10, 1881, supplemented and revised by those of May 15, 1883, and of May 8, 1896, regulating the execution of the forementioned law; the regulations of the savings banks service in the auxiliary offices, and the convention between the Netherlands and Belgium, concerning the transfer and repayment of the deposits effected either in the general savings bank and the annuity fund of Belgium or in the postal savings bank in the Netherlands.

Question 2. Since the foundation of the postal savings bank, on the 1st of April, 1881, the total amount of the deposits from April 1 to December 1 of each year has been as follows:

Year.	Florins.	United States equivalent.	Year.	Florins.	United States equivalent.
1881	1,126,961	$450,784	1889	11,479,594	$4,614,796
1882	2,157,710	867,399	1890	12,973,500	5,215,347
1883	2,884,478	1,159,560	1891	13,558,868	5,450,665
1884	3,857,453	1,550,706	1892	15,369,782	6,178,652
1885	4,920,790	1,978,157	1893	17,651,588	7,095,938
1886	6,615,657	2,659,494	1894	20,102,560	8,081,229
1887	7,643,431	3,072,659	1895	23,219,972	9,334,428
1888	9,282,802	3,731,686	1896	28,640,484	11,513,474

Question 3. An interest of 2.64 per cent per annum is paid to depositors. The Queen reserves the right, however, of fixing by royal order another tax, provided it does not surpass 2.64 per cent.

Question 4. No deposits of less than 25 Dutch cents (10 cents) are permitted.

No interest is paid on the deposits in excess of 1,200 florins ($480). This maximum is increased to 2,400 florins ($960) in the interest of social, religious, or mutual benefit associations, institutions, and capitals.

Question 5. There is no limit in this regard. The interest, however, is always calculated per half month.

Question 6. The average amount of deposits was:

Year.	Florins.	United States equivalent.	Year.	Florins.	United States equivalent.
1881	13.10	$5.26	1889	22.73½	$9.23
1882	12.19½	4.90	1890	23.66½	9.53
1883	13.31	5.33	1891	24.10½	9.68
1884	14.43	5.80	1892	24.87½	9.99
1885	16.37½	6.58	1893	26.26	10.60
1886	19.09½	7.67	1894	27.60	11.45
1887	19.39	7.79	1895	29.36	11.80
1888	20.82½	8.37	1896	31.25	12.56

Question 7. The certificates of deposit are not transferable to the profit of another.

Question 8. No; but the depositors, through the postal savings bank, are permitted to purchase Government bonds and stock bearing interest, or certificates payable to bearer, of bonds relating to the national

debt, in conformance with article 8*bis* of the law of May 25, 1880, supplemented and revised by the law of July 20, 1895.

Question 9. The telegraph lines belong to the State, with the exception of some portions belonging to private parties and private enterprises, with regard to which a concession has been granted.

The international and intercommunal lines are also the property of the State. One portion of the intercommunal line did belong to the Netherlands-Bell Telephone Company, but has been transferred to the State since the 1st of October last.

Question 10. The sum to be paid by the State for the transfer of the intercommunal telephone line was fixed in the concession accorded the Netherlands-Bell Telephone Company.

Question 11. The cost of the construction of the intercommunal telephone line amounted to 338,128 florins (Dutch) ($135,927), of which the State has paid 123,088 florins (Dutch) ($49,481).

The rest, 215,040 florins ($86,446), which had been paid by the company mentioned, was refunded them by the State at the time of the transfer of its line.

Question 12. The revenue from the intercommunal telephone service amounted to:

Year.	Florins.	United States equivalent.	Year.	Florins.	United States equivalent.
1890	26,214	$10,538	1894	55,163	$22,175
1891	32,160	12,928	1895	61,769	24,831
1892	37,459	15,058	1896	68,613	27,582
1893	47,057	18,917			

The above-mentioned company has not communicated the amount of its annual expenses.

Question 13. At the time of the transfer the company had 20 offices and 265.2 kilometers (165 miles) of line.

Question 14. The intercommunal telephone line having belonged to the State since the 1st of October last only, it is impossible to reply to the question.

Question 15. The telegraph stamps are only for sale in the telegraph offices, or in the combined postal and telegraph offices.

They are withheld from circulation and are punched in such a manner that the cipher indicating the value remains intact.

Question 17. No other messages are permitted either by the telegraph or the telegraph and telephone combined than those which are embraced under the usual form of telegrams.

Question 18. The tariff for intercommunal telegrams is 0.25 florins (Dutch) (10 cents) for the first ten words, and 0.03 florins (Dutch) ($1\frac{1}{5}$ cents) for every two successive words.

From the 1st of October last the tariff for an intercommunal telephonic conversation is 0.50 florins (Dutch) (20 cents) for every three minutes between 1 and 4 o'clock p. m., and 0.25 florins (Dutch) (10 cents) during the rest of the day.

Before the 1st of October the charge was 0.50 florins (Dutch) (20 cents) at all times.

Question 19. These telegrams and this corrrespondence are subject to the ordinary tariff.

Question 20. These telegrams being treated on the same footing as the others. no note has been made hereof.

Question 21. The annual cost entailed in the carrying on of the telegraph and telephone service amounted to:

Year.	Florins.	United States equivalent.	Year.	Florins.	United States equivalent.
1881	1,482,391	$595,921	1889	1,577,905	$634,318
1882	1,582,115	636,010	1890	1,645,410	661,456
1883	1,635,282	657,383	1891	1,787,099	718,414
1884	1,775,949	713,931	1892	1,969,434	791,712
1885	1,711,801	688,144	1893	2,108,948	847,797
1886	1,595,847	641,530	1894	2,128,864	855,803
1887	1,561,660	627,787	1895	2,213,631	889,879
1888	1,545,032	622,103	1896	2,505,659	1,007,274

POSTAL SAVINGS BANK.

1881	57,760	$23,219	1889	110,808	$44,545
1882	55,316	22,237	1890	120,528	48,452
1883	62,262	25,029	1891	125,735	50,545
1884	73,679	29,619	1892	139,011	55,882
1885	82,001	32,964	1893	151,583	60,936
1886	85,431	34,343	1894	176,835	71,088
1887	93,556	37,609	1895	197,690	79,471
1888	101,534	40,817	1896	224,687	90,324

The expenditures for the year 1896 not yet being entirely settled, this cipher may undergo a slight modification.

DEPARTMENT OF FOREIGN AFFAIRS, *October 12, 1897.*

NEW ZEALAND.

Communication from the Postmaster-General.

SIR: In compliance with the request contained in the annexed communication, addressed to you by the Department of State at Washington, the following information is submitted, the matter being arranged in the form of replies to the questions as enumerated:

1. Copies of all existing laws as to postal telegraphs, telephones, and postal savings banks are forwarded herewith.

2. The total amount at credit of depositors in the post-office savings banks on the 31st December in each year since their establishment is shown in the following statement:

[Pounds sterling changed into dollars.]

1867	$355,988	1882	$7,354,753
1868	817,594	1883	7,048,759
1869	1,156,556	1884	7,495,560
1870	1,476,860	1885	8,190,180
1871	1,788,273	1886	8,079,897
1872	2,450,330	1887	9,065,424
1873	3,324,026	1888	10,742,207
1874	3,854,184	1889	10,957,258
1875	3,636,477	1890	12,209,382
1876	3,619,554	1891	13,477,237
1877	3,836,879	1892	14,318,352
1878	4,095,357	1893	16,209,992
1879	3,935,030	1894	16,704,398
1880	4,518,829	1895	19,477,715
1881	6,163,939	1896	21,558,174

3. On every complete pound deposited interest is allowed at the rate of 3½ per centum per annum on sums not exceeding £200 ($1,000), and

at the rate of 3 per centum per annum on sums over £200 ($1,000), but not exceeding £500 ($2,500). Interest is allowed in the same proportion for shorter periods, the minimum being one calendar month.

4. There is no limit placed on the amount that may be deposited, but interest is allowed only up to £500 ($2,500).

5. There is no limit as to time, but interest is not allowed on deposits which have not been at credit for one calendar month.

6. In 1896 the average amount of each deposit received was £11 17s. 10d. ($59).

7. No.

8. No.

9. Yes; the telegraph system was formerly owned by the several provincial governments, but when the abolition of provincial governments took place the telegraphs were brought under the general government. The telephone exchange system was established by the general government, and is still under its control.

10. From the answer given to question No. 9 it will be seen that the telegraph and telephone exchange systems have been always owned and controlled by either the provincial or general governments.

11. See answers given to questions Nos. 9 and 10.

12.—

Year ended—	Telegraph and telephone exchange revenue from all sources.a	Total expenditure.	Year ended—	Telegraph and telephone exchange revenue from all sources.a	Total expenditure.
June 30—			December 31—		
1866	$27,810	$31,886	1882	$483,168	$480,029
1867	45,352	52,795	1883	469,111	461,323
1868	58,264	74,481	1884	478,171	450,390
1869	92,602	114,069	1885	508,262	489,912
1870	86,090	152,687	1886	533,193	494,377
1871	112,097	162,992	1887	532,741	489,508
1872	140,607	162,262	1888	531,557	477,318
1873	198,404	182,601	1889	532,315	507,168
1874	232,544	269,118	1890	553,484	521,956
1875	276,509	300,277	1891	588,169	573,224
1876	313,577	413,856	1892	519,067	585,266
1877	328,224	406,425	1893	577,329	606,256
1878	366,421	437,996	March 31—		
1879	427,010	484,007	1895	550,061	678,955
March 31—			1896	625,561	718,328
1880	290,601	417,048	1897	648,169	767,421
1881	365,010	506,892			
1882	394,145	437,290			

a The telephone exchange system was established on 1st October, 1881.

13. On the 31st March, 1897, there were 780 telegraph stations open to the public, and the telegraph system comprised 6,284¾ miles of line, carrying 16,470¾ miles of wire. On the same date the telephone exchange system contained 395 miles of line, carrying 5,201 miles of wire. The number of subscribers connected with the several telephone exchanges on the 31st March, 1897, was 5,747.

14. See replies to questions Nos. 9 and 10.

15. All the telegraphic and telephonic messages are paid for by the senders or receivers, by means of stamps (which are used for postal, telegraphic, and revenue purposes generally) affixed to the messages or documents. The denominations usually used for telegraphic purposes are as follows: ½d., 1d., 2d., 2½d., 3d., 4d., 5d., 6d., 8d., 1s., 2s., 2s. 6d., 3s., 4s., 5s., 6s., 7s., 7s. 6d., 8s., 9s., 10s., 15s., £1, £1 5s., £1 10s., £1 15s., £2, £2 10s., £3, £3 10s., £4, £4 10s., £5 (1, 2, 4, 5, 6, 8, 10, 12, 16, 25, 50,

62, and 75 cents, and $1, $1.25, $1.50, $1.75, $1.87, $2, $2.25, $2.50, $3, $5, $6.25, $7.50, $8.75, $10, $12.50, $15, $17.50, $20, $22.50, and $25). The larger of the foregoing denominations are chiefly used for the payment of cablegrams.

16. As the ordinary postage stamps are used for the payment of the charges on telegrams, the value of such stamps so used is ascertained in the following manner:

A daily count of all stamps affixed to telegraphic and telephonic messages is made at each office, and the resultant amounts are entered on a return, which is furnished to the head office each week. The gross value of stamps sold by postmasters (which is ascertained from other sources) is then taken, and the value of stamps used for telegraphic and telephonic purposes is deducted therefrom, the balance being held to represent the value of stamps used for postal purposes.

17. There is no restriction as to the number of words allowed to be sent in an ordinary telegraphic or telephonic message. Such messages are subject to a uniform rate of 6d. (12½ cents) for the first 12 words, and 1d. (2 cents) for each additional word, the address and signature being charged for. Urgent messages, which take precedence over ordinary messages, are transmitted at double the ordinary rates.

18. With regard to the general internal tariff for private telegrams, this question is answered in the reply given to No. 17.

If the reference to telephonic messages contained in this question refers to conversations over telephone circuits, the following is the tariff in force for such messages:

Where the line used is not more than 6 miles long, a uniform charge of 6d. (12½ cents) for the use of same for any period not exceeding three minutes, and a further charge of 6d. (12½ cents) for every additional three minutes or portion of three minutes.

Where the line used is over 6 miles long, the charges are 1s. (25 cents) for the use of the same for any time not exceeding three minutes, and a further charge of 1s. (25 cents) for every additional three minutes or portion of three minutes. The above regulation as to time (three minutes) shall only apply to bureaus within the limits of a town where a telephone exchange is situated.

19. Press telegrams:

Day rates.—From any station to any station between the hours of 8 a. m. and 5 p. m. (week days), for the first 12 words or fraction of 12 words, 6d. (12½ cents); for every additional word, ½d. (1 cent). No charge shall be made for address and signature, up to 6 words, on any press telegram.

Special day rate for morning papers.—From or to stations not reopening in the evening, telegrams not exceeding 300 words and lodged not later than 4.30 p. m., for each 100 words or fraction of 100 words, 1s. (25 cents). Every such telegram must have the words "Special day rate" in the instructions. Not more than one telegram for any one paper will be accepted on any one day at the above rates.

Evening rates.—Between the hours of 5 p. m. and 11 p. m. (week days), exclusive of Saturdays, when offices close at 8 p. m. (except during the sitting of Parliament, when the closing hour is 10 p. m.), for every 100 words or fraction of 100 words, 6d. (12½ cents). Between the hours of 11 p. m. and midnight, for every 100 words or fraction of 100 words, 8d. (16 cents). After midnight, if kept open by special arrangement, for every 100 words or fraction of 100 words, 1s. (25 cents).

On Sundays.—From 5 p. m. to 5.30 p. m., for every 100 words or fraction of 100 words, 8d. (16 cents). After 5.30 p. m., if kept open by special arrangement of Press Association, for every 100 words or fraction of 100 words, 1s. (25 cents).

Exceptions to the above scale of charges.—Telegrams for evening papers are not transmitted at press rates on Sundays.

Evening newspapers publishing before 5 p. m. are allowed to receive at any period of the day of publication telegrams amounting in the aggregate to 1,000 words during the recess of Parliament and 1,500 words during the session at evening rates. Five hundred additional words are also allowed on the day the San Francisco mail reaches Auckland for telegrams containing news received by the mail steamer. When the San Francisco mail arrives at Auckland on Sunday the 500 additional words are allowed on the day following.

During the session of Parliament press parliamentary reports are accepted until 1 a. m. at the 6d. rate, and between 1 a. m. and 2 a. m. at the 8d. rate, for all offices open during these hours for press messages from Wellington.

Cable news.—Press messages lodged at Wakapuaka between 8 a. m. and 5 p. m. repeating news received by cable from beyond the colony, and bearing the words "Cable news" in the instructions, are chargeable with the evening rates for press messages. Every such message must be charged separately.

Charges when office reopened by special request.—Press messages lodged at and forwarded from any telegraph office, when specially reopened after the usual closing hour, are forwarded as under: At the rate of 2s. (50 cents) per 100 words up to 1,000 words, the minimum charge to be 7s. 6d. ($1.87½); for every additional 100 after the first 1,000 words, at the rate of 6d. (12½ cents) per 100 words or fraction thereof.

Messages lodged and forwarded on behalf of the United Press Association are liable to the following charges: At the rate of 6d. (12½ cents) per 100 words or fraction thereof, together with a fee of 7s. 6d. ($1.87½) for reopening the office, and all charges in respect of overtime at offices other than the original forwarding office. The additional payment to be made in all cases by the applicant.

At least six hours' notice should be given the general post-office, Wellington, of the desire to have an office specially reopened for press news.

Charges for press telegrams relating to extraordinary events, etc.—Press telegrams containing intelligence of extraordinary events, such as collisions, wrecks, large fires, explosions, etc., may be accepted for transmission between offices open for the midnight cable service after those offices are closed for the receipt of other press messages, on the following conditions: No message must exceed 100 words; the rate of 1 s. (25 cents) to be charged for each message. The officer in charge may refuse to accept any such message which in his opinion does not contain news of an urgent nature.

These messages will not be permitted to interfere with or delay the transmission of the midnight cable news.

20. The estimated average number of words sent daily for the press is 130,961.

21. The following statement shows the revenue received under the several heads for the year ended March 31, 1897:

Telegrams of all classes and telephone conversations, £100,385 16s. 1d. ($501,929); telephone exchange subscriptions, £29,248 19s. 5d. ($146,245); savings bank profits after deducting working expenses, £34,863 10s. 5d ($174,317).

I have the honor to be, sir, your obedient servant,

W. GRAY,
For the Postmaster-General.

JNO. D. CONNOLLY, Esq.,
United States Consul, Auckland.

NICARAGUA.

Mr. Baker to Mr. Sherman.

LEGATION OF THE UNITED STATES,
Managua, Nicaragua, September 20, 1897.

SIR: Following instructions contained in Department circular of July 17 last, relating to postal savings banks, telegraphs, and telephones, I promptly addressed a note to the Nicaraguan Government, with a copy of the circular, and asked for an early reply to the same. I inclose herewith a copy of the translation of the Government's statement covering such information as can be obtained.

In due time this legation will hear from Costa Rica and Salvador, as copies of the circular were addressed to both Governments.

I have, etc.,

LEWIS BAKER.

MANAGUA, *September 18, 1897.*

MR. MINISTER: In order to reply to your dispatch of August 27 last, I asked the minister of public works for the information concerning telegraphs and telephones in the country. I send you a copy of his note of the 12th of this month, as follows:

I have the honor to give you the information asked for by the minister of the United States, which was referred to this office on September 4. The information wanted, from questions 1 to 8, can not be answered for the reason that there are no postal savings banks in Nicaragua. As to the laws relating to the telegraphs and telephones, the edition of regulations printed in 1876 is now exhausted.

Answers to questions by circular numbers:

9. The telegraphs and telephones are the property of the Government, and they have been in the course of construction on its account from 1876 to the present date.

10 and 11. Answered above.

12. The information called for in this question can not be given, but the property belongs exclusively to the Government.

13. Can not answer this question.

14. The Government alone has been the owner of the telephones and telegraphs, and consequently no comparison can be made.

15. The Government has not adopted a system of stamps for the payment of telegraph and telephone messages.

16. Answered above.

17. There is no limit to the number of words in a message. The price of telegrams is 30 cents for each one containing from one to ten words and 10 cents more for each additional five words or fraction of that number. As to the telephone, 30 cents is charged for a conversation of four minutes and 10 cents for each additional minute.

18. Answered above. Distance is not a factor in the tariff charge.

19. The tariff for press messages is the same as for the public.

20. Can not answer.

21. The expense of the telegraph for the past year was $124,200 and the income was $130,600.

With distinguished consideration, I have the honor to be,

ERASMO CALDERON.

MR. LEWIS BAKER, *Minister, etc.*

PERU.

Mr. Dudley to Mr. Sherman.

LEGATION OF THE UNITED STATES,
Lima, Peru, November 20, 1897.

SIR: I have the honor to transmit to the Department of State the inclosed information, just received from the Peruvian foreign office, relative to the postal telegraphs, telephones, and postal savings banks in this country.

The information was called for by the Department in a circular received at the legation in August last.

I have, etc. IRVING B. DUDLEY.

FOREIGN OFFICE.

MR. DIRECTOR-GENERAL: In obedience to your excellency's superior order as above, and giving due consideration to the translated copy of the data requested in the circular referred to in the note from the American legation of August 26 of the current year, this office reports as follows upon the points constituting the data required:

The existing laws relating to telegraphs and telephones are those of the 19th of August, 1878, and of the 20th of September, 1887, of which the following is the exact tenor:

José de la Riva Agüero, President of the Congress:

Whereas the latter has passed the following act: The Congress of the Peruvian Republic, considering that a fixed and legal form ought to be given to the telegraph service; that in the most highly civilized countries this service, as also the postal, is in the hands of the Government, has passed the following act:

ART. I. The telegraph service is a national one, in charge of the Government, and shall be conducted in the same manner as the postal service.

ART. II. The Government shall appoint such employees as may be necessary and shall guarantee them their respective salaries, an account of which shall be presented to Congress for its approval.

ART. III. This act shall not include submarine cables, excepting when the same become State property.

Let this be communicated to the Executive power, so that the necessary steps may be taken for rendering it effective.

Given at the Congress Chamber, in session, Lima, January 13, 1877.

F. ROSAS,
President of the Senate.

IGNACIO DE OSMA,
President of the House of Deputies.

TOMASO MORENO Y MAINZ,
Secretary of the Senate.

JOSE MARIA GONZALEZ,
Secretary of the House of Deputies.

To the Constitutional President of the Republic:

Whereas, the Peruvian Congress, considering the necessity of establishing the telephone and extending the telegraph services in the Republic, and the unsuitability of the latter being under the direct management of the State, has passed the following act:

ART. I. The Executive is hereby authorized to dispose of the apparatus and other implements belonging to the telegraph service to the greatest advantage of the national interests.

ART. II. The Executive is likewise hereby authorized to put up for public competition both the telegraph and telephone services throughout the whole or part of the Republic, and to grant a privilege not exceeding twenty years.

Let the Executive be informed of this decision, so that the necessary steps may be taken for carrying it into effect.

Given at the Hall of Congress, in session, Lima, November, 15, 1887.

FRANCISCO ROSAS,
President of the Senate.

ALEJANDRO ARENAS,
President of the House of Deputies.

LEONIDAS CARDENAS,
Secretary to the Senate.

DANIEL DE LOS HEROS,
Secretary to the House of Deputies.

Ordered, the printing, publication, and circulation, and the due carrying into effect.

Given at the Government House, in Lima, on the 20th day of December, 1887

ANDRES A. CACERES.
AURELIO DENEGRE.

There exists, moreover, the supreme resolution of January 23, 1888, containing the reasons for the establishment of the telephone service in the Republic, and the supreme decree of January 28, 1888, soliciting offers for the repairing and working of the national telegraph lines, all of which is minutely given in the accompanying printed pamphlet.

The supreme decrees of August 13, 1888, and May 18 of the present year have also been issued, the first proclaiming the free establishment of telegraph and telephone lines within the territory of the Republic, and the second annulling the former in the following terms:

LIMA, *May 18, 1897.*

In view of the report of the postmaster-general and the director of telegraphs, whereas—

1. The postal and telegraphic communications are under the especial care of the State;

2. The free and unconditional establishment of private telephone lines authorized by the supreme resolution of August 13, 1888, can only be justifiable in the case of the State abandoning the said service;

3. The precarious existence of telegraphic communication between one locality and another is inadmissible;

Resolved—

1. To annul the supreme resolution of August 13, 1888, which declares the establishment of telegraph and telephone lines within the confines of the Republic free.

2. The Government shall authorize the construction of private lines, subject to such guarantees and conditions as it may deem expedient.

To be registered, communicated, and published. His Excellency's Rubric.

AERIETA.

There are no post-office savings banks.

The Peruvian Government owns the telegraphs, though a part of them are held by the Peruvian corporation, representing the holders of the foreign debt bonds, to which corporation they were ceded for sixty-six years, together with the railways, by virtue of the contract concluded on January 11, 1890. That portion of the lines is the one running alongside of the railways; but there is, moreover, another portion of the lines that is also held by the Peruvian corporation, by virtue of the contract for the management of the southern department's telegraph lines, concluded on May 11 of the present year for the term of five years.

The Peruvian Government has not the working of the telephone systems under its charge. The three systems it possesses in Lima are devoted exclusively to its own service.

A telegraph line in charge of a private company with a privilege for ten years was established between Lima and Callao in 1857, which expired in 1867.

In that year a share company for the purpose of extending the telegraphic system throughout the Republic was established by private enterprise, and the Government granted a loan of £100,000 ($500,000) to the said company for the purpose of establishing the telegraphic lines.

Different circumstances, such as the said company not having fulfilled its agreement to establish the lines stipulated, and not having performed the service required for the 500,000 soles (dollars) lent it, compelled the Government, in 1874, to appoint a receiver, and lastly, in 1875, in payment of the debt the Government took possession of and managed the telegraph lines on its own account, by a decree issued on the 21st of April, 1875, paying the said company two-thirds of the valuation of the lines constructed, or, say, the sum of $738,666.66.

This took place after publishing advertisements twice soliciting bidders for the telegraph property and plant.

The valuation of the telegraphic lines and other movables and immovables, etc., was officially carried out by the private judge of the department of finance.

The original cost of the telegraphic lines, according to the valuation made, amounted to the sum of $1,707,999.99.

There are no documents in the archives of this office belonging to the epoch in which the telegraphs were the property of the National Telegraph Company; it is therefore unknown what were the yearly product and expenses of the telegraphs at that time.

During the period extending from April, 1875, to December, 1896, the telegraphs were in charge of a treasury agent, appointed by the Government from the 21st of April to the 23d of February, 1877. From that date the Government, desirous of avoiding the deficit paid out of the Treasury for the working and service of the State telegraphs and the continual expense of repairs, by a decree, dated February 23, 1877, appointed a director-general of telegraphs, to take charge of the working and service for eight years, assuming, for his own account, the payment of any deficit, as also the enjoyment of any benefit resulting, it being understood that the Government service be gratis. The said director continued on these conditions until the 21st of September, 1898, when the Government again assumed the direct management of its lines by rescinding the contract.

From that date until now the telegraph lines have continued under the direct management of the Government.

As regards the receipts derived from the telegraphs from September 21, 1878, to December 31, 1896, it is only possible to ascertain them for the period extending from October 23, 1883, to 1896, inclusive.

This is explained by the fact that the previous accounts were among the archives at the high tribunal of accounts, and as that office was destroyed by fire in the year 1884 the corresponding documents have disappeared.

On the other hand, the duplicates of these accounts that existed at the Central Lima office disappeared when this capital was under the military occupation of the invading forces of the enemy, who destroyed the apparatus, furniture, and all the existing telegraph material.

At the time when the National Telegraph Company delivered up to the Supreme Government the lines it possessed there existed 38 offices, and the existing lines comprised 1,983 kilometers, or 1,068 miles, in round numbers.

The director's office has at the present moment 41 offices and 1,632 kilometers, or 879 miles, under its charge.

The portion of the telegraphic lines in charge of the Peruvian corporation since the last five years comprises 13 offices and 683 kilometers, or 368 miles.

It is not possible to state correctly the difference between the cost of the telegraphic extensions constructed by the Peruvian Government and original cost of those constructed by the National Telegraph Company, since in the total valuation amount of the lines, the apparatus, furniture, batteries, buildings, etc., as also the building material in store, were included, and as the detail of all this was taken into account in the corresponding inventory that existed in the archives of the high tribunal of accounts that disappeared through the fire I have referred to, no data relating to the same exist.

This department believes that with the foregoing it has complied with your excellency's decree in as much as the same concerns it, it being the duty of the accountant's office to answer the questions numbered 12, 15, 16, 17, 18, 19, 20, and 21.

Lima, October 9, 1897.

JOSÉ J. RAMIREZ,
Director of Telegraphs.

Mr. DIRECTOR GENERAL: It is the duty of this office to answer the following questions:

12. Previous to the telegraphs passing into the possession of the Government they belonged to a private company, that presented no balance sheets to the Government, or, if it did so, no traces of the same are to be found in the archives of this department.

From 1875 to 1881 the telegraphs were managed by the Government, but on account of the archives of the high tribunal of accounts having been burned, neither books nor data referring to that epoch exist.

From 1881 to October, 1883, the telegraphs were under the management of the Chilean army in occupation of the country, for which reason no data exist relating to the epoch.

From October, 1883, to December 31, 1896, the natural receipts derived were $280,131, the expenses being $719,059.

15. From November 1, 1895, and due to your excellency's initiative, telegrams are paid for in telegraph stamps.

The stamps in use represent the following values: $1, 50 cents, 20 cents, 10 cents, 2 cents, and 1 cent.

16. Though mails are referred to, it is my duty to state that our postage stamps are quite distinct from the telegraph stamps, the former being unavailable for the payment of telegrams, as the latter are equally unavailable in the case of letters or printed matter.

The system of accounts is as follows:

A debit account is opened to the seller for the stamp sent him, and a credit account on which the amounts remitted by him for the sale of stamps are noted.

These employees receive a gratification of so much per cent for their work and give guaranties to vouch for the values remitted to them.

The stamps are canceled by means of special seals containing the word "Peru" and the name of the office whence the telegram proceeds, at which place the stamps are canceled.

17. The Government lines are at the service of the public only for dispatches of at least ten words, no matter what number of letters these words contain, always providing that they be in Spanish. Only

words not exceeding ten letters can be transmitted in a foreign language.

The shortest telegram in Spanish costs 40 cents, and every word in addition to the first ten costs 4 cents extra. Telegrams in a foreign language cost double.

18. There is but one uniform tariff for all the Government lines whatever be the distance the dispatch may have to travel. The Government has no public telephone service.

19. The tariff for the press is 1 cent per word.

20. From the 27th of August, 1895, when, in acceptance of your proposal, this service was inaugurated, down to December 31, 1896, or during a period of 485 days, 24,112 words have been transmitted, as follows: In 1895, 3,499 words; in 1896, 20,622 words, or an average of 50 words a day.

21. The estimated receipts to be derived from telegrams for 1898 are $54,000, which deduction is based upon the receipts up to the 30th of June of the current year. There are no receipts for telephone messages. There are no telegraph savings banks.

PORTUGAL.

Mr. Townsend to Mr. Sherman.

LEGATION OF THE UNITED STATES,
Lisbon, October 11, 1897.

SIR: Replying to the Department's circular note of July 17, 1897, submitting a series of interrogatories relating to postal telegraphs, telephones, and savings banks in Portugal, I have the honor to inform the Department that the telegraph lines of Portugal were built and are still owned exclusively by the Government.

There are no postal savings banks in Portugal, and the telephone lines have been built and are controlled exclusively by a private company, a small but very close corporation, in regard to the working of which it is impossible to obtain any information.

The Government has a few long-distance telephones in operation between some of their telegraphic stations, which are open to the use of the public.

Question 1. A translation of the law of 1892 relating to telegraphs is herewith inclosed.

Questions 2 to 8, inclusive, can not be answered, as postal savings banks do not exist in Portugal.

Question 9. The Government built the telegraph lines and controls them exclusively.

Questions 10 to 14 have been answered by the preceding No. 9.

Questions 15 and 16. Telegraphic stamps are not issued by this Government.

Question 17. There is no limit to the number of words allowed in a telegraphic message. Ordinary telegraphic messages in the Kingdom or islands belonging thereto are taxed 10 reis (1 cent) for each word, including the address, and an additional tax of 50 reis (5 cents) for each message.

Question 18. The answer just given is the internal tariff for private telegraphic messages in the Kingdom of Portugal without regard to distance except those within the boundaries of cities or towns. Tele-

phonic conversation between any two points on the mainland of the Kingdom or between any two points on the adjacent islands which may have telephonic connection over the Government telegraph lines is taxed as follows: For every three minutes' effective conversation by day, 200 reis (20 cents). By night double the preceding charge is made.

Question 19. The tariff for press telegrams within the Kingdom is as follows: A fixed charge of 25 reis (2½ cents) for each message, and for each word 5 reis (one-half cent).

Question 21. The annual value of work performed by the telegraph, according to latest returns, was as follows: Internal telegrams, 255,346,392 reis ($275,773); international telegrams, 223,194,211 reis ($241,049).

I am unable to add any additional information on this subject which might prove of interest or value to the Senatorial committee having this matter in charge, as this country is far behind the balance of Europe in the development of the telegraph, telephone, and savings banks. As an example of this I may quote the fact that Estoril, one of the principal watering places on the coast, forty minutes by train from Lisbon, which contains upward of 100 handsome modern villas, has as yet no telegraphic or telephonic communication with the capital or the surrounding country.

I have the honor, etc.,

LAWRENCE TOWNSEND.

The following are the rates charged upon telegraphic and telephonic messages exchanged between the stations on the mainland of the Kingdom or between the stations on any of the adjacent islands, in pursuance of the law of December 1, 1892: Ordinary telegrams, fixed charge, 50 reis (5 cents); for each word, 10 reis (1 cent).

Telegrams conveying news which manifestly treats, in plain language and without abbreviations, of intelligence of general interest, intended to be published in the public press by news agents, or to be posted up in public places: Fixed charge, 25 reis (2½ cents); for each word, 5 reis (one-half cent).

Urban telegrams (exchanged within the old boundaries of Lisbon or within the boundaries of any town of the realm or adjacent islands): Fixed charge, 20 reis (2 cents); for each word, 2 reis (one-fifth cent).

Semaphoric telegrams (exchanged between the semaphoric stations and vessels at sea) whatever the extent of the telegram may be: Fixed charge, 400 reis (40 cents).

Electro-semaphoric telegrams (exchanged between vessels at sea and any point in the Kingdom or adjacent islands) effected by the telegraph or any supplementary means: Semaphoric rate, whatever the extent of the telegram may be, fixed charge, 400 reis (40 cents); electric rate, fixed, 50 reis (5 cents); electric rate, each word, 10 reis (1 cent).

Maritime telegrams: Fixed charge, 50 reis (5 cents); for each word, 10 reis (1 cent).

Urgent telegrams (having priority of transmission over private telegrams) Double the foregoing. If the telegram should involve accessory operations, the respective additional charge to be made.

Checked telegrams (subject to entire repetition between stations): Ordinary rate and one-fourth for checking.

Telegrams, with certificate of their receipt, to be sent to the sender, stating the hour and incidents connected with the delivery: The ordinary rate for telegrams, according to its ca egory. The charge for certificate of receipt is equivalent to an ordinary telegram of ten words.

Telegrams with prepaid answers: The ordinary rate for telegrams, chargeable according to the category they belong to.

Charge for reply: Ordinary telegram rate, according to the category of the telegram.

(*a*) When the number is indicated up to any limit, the charge which by its category it is subject to.

(*b*) When no number of words is indicated, then the rate is to be that of a telegram of 10 words.

Telegrams to be forwarded (transmitted successively to the directions indicated in the address until their delivery is effected, or according to the directions indicated, at the dwelling of the receiver), besides the ordinary charge, the corresponding one which is chargeable for each retransmission. Duplicate or triplicate telegrams to the same locality to different receivers, or to the same receiver at different abodes in the same locality, for every address more than one, and for every hundred words or fraction of a hundred words, 100 reis (10 cents).

Telephonic conversations between any two points on the mainland of the Kingdom, or between any two points on the adjacent islands connected by lines of telegraph belonging to the State:

(*a*) By day, for three minutes' effective conversation, 200 reis (20 cents).

(*b*) By night, double the above charge. Written dispatches, to be transmitted from one telephonic station belonging to the State to the other without any intermediate telegraphic transmission, the ordinary rate for telegrams.

The retransmission from one telephonic station to that of its destination, when this retransmission is telephonic only, shall not increase the charge, unless there be any telegraphic charge, or other accessories, such as special messenger's fee, etc., incurred.

The rate for delivery of telegraphic or telephonic messages by special messenger on foot, in localities not supplied with lines by the State, shall be such as the Government shall determine.

The rate for the delivery of telegraphic or telephonic messages by special messenger on horseback, or by any other more rapid method, in localities not supplied with the State lines, whatever expense is incurred by this service in each special case.

Additional charge upon telegrams which, from the destined station, have to be forwarded by post, as registered letters, to their destination: Fixed charge, 50 reis (5 cents).

Certificates or extracts made from telegrams at the request of the sender or receiver: Fixed charge for certificate of every hundred words or fraction of a hundred words, 500 reis (50 cents). Search (if any) for each month and for each station, fixed charge, 200 reis (20 cents).

Receipts for the amounts of charges collected from senders, for the transmission of telegrams, and from receivers of semaphoric telegrams, maritime telegrams, and for those to be retransmitted: Fixed charge, 20 reis (2 cents).

SPAIN.

Mr. Woodford to Mr. Sherman.

LEGATION OF THE UNITED STATES,
Madrid, November 20, 1897.

SIR: Referring to Department's circular letter of July 17, 1897, requesting information as to the nature and practical workings of the postal telegraphs, telephones, and postal saving banks of Spain, I have

the honor to inclose herewith a translation of the reply received from the Spanish Government on the 18th instant, to the note of my predecessor, Mr. Taylor, bearing upon this subject.

I have, etc.,

STEWART L. WOODFORD.

MINISTRY OF STATE,
Palace, November 16, 1897.

EXCELLENCY: In reply to the note from your excellency's predecessor, dated the 14th of August last, I have the honor to send to your excellency the reply to the list of questions sent to the Spanish Government by that of the United States of America relative to the telegraphs and telephones of Spain.

I inclose seven printed pamphlets, containing several laws, royal decrees, and regulations as to the organization of said telegraphs and telephones, to which reference is made in the above-mentioned note.

I avail myself, etc.,

PIO GULLON.

The MINISTER PLENIPOTENTIARY OF THE UNITED STATES.

Answers to the list of questions addressed to the Spanish Government by that of the United States of America in regard to the telegraph and telephone services in Spain.

Question 1. Inclosed herewith are: (1) Royal decrees relative to the semaphoric service; (2) law and rules for the opening to the public of the telegraphic stations of the railway companies; (3) law establishing penalties for infractions of the international agreement upon protection of submarine cables; (4) royal decree and rules authorizing subscriptions of the press to telegraphic communications; (5) royal decree and rules reorganizing the telephonic service; (6) royal decree and rules relative to lease of conductors and granting of private lines.

Questions 2 to 8. No reply can be given to those questions, because the necessity of establishing postal savings banks has not been felt, on account of the existence in Spain of the so called "Montes de Piedad," which are, in fact, popular savings banks.

Question 9. The Spanish telegraphs have been since their establishment, and still are, the property of the State. All the lines and stations were constructed from the beginning by the agents of the Government and on the latter's account.

Herein is inclosed a copy of the Telegraphic Statistic of Spain for the year 1894, which is the last one published reporting the state of the service, extension and results of the exploitation of the system in said year.

As regards the telephones, both the urban and the interurban systems have been established by private companies, to whom privileges have been given in general for twenty years.

These companies pay to the State an annual tax equivalent to a certain per cent of the gross products, and which varies between 10 and 34 per cent, with the condition that after twenty years of the privilege have passed the system and lines will become the property of the State. The oldest privilege now existing is only eleven years old.

Apart from the urban telephone systems, there exists, at Madrid, Bar-

celona, and other important towns, telephone systems and conductors owned by the State and devoted exclusively to the official service.

Questions 10 to 13. These replies are included in the reply to question 9.

Question 14. The cost of telegraphic communications has been, on an average, 340 pesetas ($68) for every kilometer of line ($113 per mile) with only one conductor, and 160 pesetas ($32) for every additional conductor hung on the same posts. The construction of the stations has cost, on an average, 1,500 pesetas ($300) each. In regard to the telephone systems and lines, they have been constructed by private companies, and so the cost of their construction is not known.

Question 15. In the payments for the transmission of telegraphic correspondence are employed stamps similar to those used in postage, and which are pasted on the telegram sheets. These stamps are of the value of 1, 2, 4, and 10 pesetas (20, 40, and 80 cents, and $2), and of 5, 10, 15, 25, 30, 40, 50, and 75 centimes (1, 2, 3, 5, 6, 8, 10, and 15 cents), each. They are printed and sold, not directly by the Government, but by a company which has leased this service.

The transmission of telephone messages is collected in cash by the respective companies.

Question 16. The stamps pasted on the telegram sheets are punched upon the act of their presentation for transmission.

Question 17. Conferences by the telegraph lines are only allowed between the authorities and upon official matters.

As regards the telephones, and also the urban lines, subscribers may communicate between themselves without limitation of time as long as the circuits are not requested by other subscribers.

Conferences are also allowed between any private individual and a subscriber, the former using a public station, and the tariff being 30 centimes (6 cents) for every three minutes or fraction thereof. Telephone messages are also admitted between public stations, the tariff being 30 centimes (6 cents) for every 20 words.

Subscribers pay no fee for conferences between themselves.

The price of the subscription is 300 pesetas ($60) per annum as a maximum.

Question 18. Telephone messages and conferences are admitted in interurban lines. The tariff of telephone messages is 1 peseta (20 cents) for each message of 15 words, and 10 centimes (2 cents) for each additional word. Conferences are charged by periods of three minutes or fraction thereof, as follows:

Distances of—	
Less than 50 kilometers (30 miles)	$0.10
51 to 100 kilometers (60 miles)	.15
101 to 200 kilometers (120 miles)	.25
201 to 300 kilometers (180 miles)	.35
301 to 400 kilometers (240 miles)	.45
401 to 500 kilometers (300 miles)	.55
501 to 600 kilometers (360 miles)	.65
601 to 700 kilometers (420 miles)	.75
701 to 800 kilometers (480 miles)	.85

Question 19. Press telegrams and telephonic messages are allowed a reduction of 50 per cent of the general tariff.

Question 20. The press transmits, on an average, 24,000 words per day.

Question 21. The sum produced by the telegrams transmitted through the Spanish lines is, on an average, from 7,000,000 to 8,000,000 pesetas ($1,400,000 to $1,600,000) per annum.

The sum obtained by the telephone companies is about 2,000,000 or 3,000,000 pesetas ($200,000 or $300,000) per annum.

Madrid, October 31, 1897.

TEOD. G. MEORATILLA.

On 11th November, 1890, one of the Spanish ministers, Señor Francisco Silvela, submitted to the Queen Regent the project of a royal decree in relation to telephones. In this communication the minister said:

Two systems have been tried in Spain for the greater efficacy of the telephone service—that of reserving absolutely to the Government its establishment and administration and that of delivering it completely to private initiative. The first of these was tried by virtue of the royal decree of 11th August, 1884, and the second by the decree of 13th June, 1886. Both contain recognized advantages, and neither is free from defects, not imputable perhaps to the respective systems, but to the rapidity with which this means of communication is being extended and generalized.

It is not proper to impede in any manner the application of private initiative to the development of the telephone service; neither is it proper that such initiative should establish a monopoly prejudicial to the State. By leaving the road free to private companies and by not preventing the administration from establishing the lines useful to its own interest, the problem of the peaceful and profitable coexistence of the rights of all is resolved.

England, where individual initiative finds few obstacles; France, whose expansive regimen relieves her of every suspicion of hostility to material progress; Italy, so diligent in the improvement of its administrative organism, have all taken back from the hands of private companies the exploitation of the telephone, because it was not only observed that the system was deteriorating, but that the governments of those countries were feeling the shadow of a monopoly which these companies have already made intolerable in every point.

The present project of a decree proposes that the administration may establish a telephone system independently of private companies, and that private companies may have solid guarantees for their freedom in all the processes or means of application of the telephone. These are: Telephone systems in which each subscriber disposes of a wire and instrument of his own to talk with other subscribers of the same system; long-distance telephones, in which there is a limited number of wires and instruments for the public; substituting the telephone for the telegraph so as to facilitate, perhaps, in important towns the means of creating telegraph stations, and improve the service connecting them with those of the railroads and of the Government, and private telephoning for the use of a small number of persons, independent of the general lines, and without any other restrictions than those in force for the public policy and safety.

The royal decree made in conformity with this project December 11, 1890, declares the telephone service in Spain divided into telephone networks, long-distance interurban lines, secondary lines in connection with telegraph stations, and private lines. The director-general of mails and telegraphs is authorized to adopt the means conducive to the establishment and direct operation of telephone systems between towns, villages, suburbs, and manufactories, or to concede the right to companies or private citizens. Long-distance telephone lines are to be established and served generally by Government officials and according as the exigencies of the service require. Nevertheless, the director-general of mails and telegraphs may accept the propositions of companies or individuals to establish and operate the service between any two groups of population, whether united by telegraph lines or not. The director-general of mails and telegraphs may also concede to municipalities, corporations, companies, or individuals the establishment of telephone stations destined for the public service as an amplification of the telegraph service; that it is indispensable that these stations shall be kept in direct communication with some Government telegraph station.

The tariff for the service of telephones is fixed in the regulation of January 2, 1891, as follows:

	Towns of—					
	Less than 10,000 inhabitants.	From 10,000 to 20,000.	From 20,000 to 50,000.	From 50,000 to 100,000.	From 100,000 to 200,000.	Over 200,000.
For every private telephone within the radius of 3 kilometers (1⅘ miles) from the central station, or connecting branch station, for the exclusive use of the subscriber, his family, and domestic servants	$24	$28	$32	$36	$40	$50
For every telephone within the same radius for merchants, warehouses, manufacturers, and every kind of business	28	32	36	40	44	60
For every telephone within the same radius for city tenements occupied by various tenants, all of whom shall have the right to its use	32	36	40	48	56	70
For every telephone within the same radius for restaurants, clubs, theaters, railroad stations, etc	40	60	80	100	120	160

If the subscriber's telephone is at greater distance than 3 kilometers (1⅘ miles) from the central, or the branch that connects with it, there shall be an additional charge of 60 cents for every additional hundred yards of line.

The central stations and branches shall be prepared to send and to receive telephone dispatches and to arrange telephone conversation at the following rates: For every dispatch deposited in a public station by a nonsubscriber, not exceeding 20 words, 4 cents; for every 5 additional words, 1 cent; for every additional copy, in multiple dispatches, 2 cents; for every three minutes that a telephone is used for a private conversation, 4 cents.

Telephone dispatches must be in the Spanish language, but they will be received in other languages without responsibility on the part of the company.

Telephone companies will pay the Government a tax of 10 per cent on net profits, but that tax is not to be less than $200 for every telephone network in towns with less than 10,000 inhabitants; $400 in towns between 10,000 and 20,000; $1,000 in towns between 20,000 and 50,000; $2,000 in towns between 50,000 and 100,000; $5,000 in towns between 100,000 and 200,000; and $10,000 in towns of 200,000 inhabitants and upward.

Long distance interurban telephone lines between two or more towns are to be established by the Government. Companies or individuals may ask authority to establish and operate a telephone line between any two towns.

The maximum charges for conversations over long-distance telephone lines will be for every three minutes or fraction thereof:

	Cents.
Over lines of less than 30 miles	11
Between 30 and 60 miles	14
Between 60 and 120 miles	25
Between 120 and 180 miles	35
Between 180 and 240 miles	45
Between 240 and 300 miles	55
Between 300 and 360 miles	65

For distances beyond 360 miles the charge shall increase in the same proportion—10 cents for each 60 miles.

General summary of statistics relating to the telegraph service of Spain in 1894.

Extent of air lines	miles	17,031
Extent of underground cables	do	105
Extent of submarine cables	do	1,870
Extent of air-line wires	do	40,460
Extent of wires in underground cables	do	355
Extent of wires in submarine cables	do	1,870
Number of Government telegraph offices		740
Number of railroad telegraph offices for public service		498
Number of municipal telegraph offices		116
Number of private telegraph offices		1
Number of semaphore telegraph offices		9
Number of telephonic telegraph offices		12,438

INTERNAL SERVICE.

Valuation of official service	$232,150
Receipts from private telegraph correspondence	778,260
Various items	6,800
Service for railway companies	9,000
Various items	6,000

INTERNATIONAL SERVICE.

Valuation of official dispatches sent and received	$10,842
Valuation of service dispatches	4,675
Valuation of private dispatches	242,590
Various items	3,054
Valuation of transit through Spain	153,081
Received for telephone service	107,180

The receipts and expenses of the telegraph service in Spain, internal and international, were as follows:

Year.	Receipts.	Expenses.
1890	$1,250,701	$1,469,980
1891	1,387,062	1,299,866
1892	1,397,795	1,602,763
1893	1,534,218	1,322,606
1894	1,510,870	1,328,465

SWITZERLAND.

Mr. Leishman to Mr. Sherman.

UNITED STATES LEGATION,
Berne, August 30, 1897.

SIR: In compliance with circular of July 17, 1897, I addressed a note to the Swiss Federal Council, requesting that I be furnished with the desired information in regard to postal telegraphs, telephones, and postal savings banks, and have the honor to inclose herewith copy of letter replying in detail to the different questions; also, by separate mail, printed copies of the laws, rules, and regulations governing the Swiss postal telegraph and telephone service.

I have, etc.,

JOHN G. A. LEISHMAN.

BERNE, *August 27, 1897.*

Mr. MINISTER: In compliance with the request which your excellency addressed to the President of the Swiss Confederation at Berne, by letter of 10th instant, we have the honor to inclose herewith the Federal laws concerning the postal service, the service of telegraphs

and telephones; also certain reglements, ordinances, and instructions relating to Swiss postal service.

In addition, we have the pleasure to reply to the interrogatories which accompanied your letter as follows:

1. Ask copies of all existing laws as to the service of postal, telegraphs, telephones, and postal savings banks. We permit us to refer to the inclosures.

2 to 8. The institution of postal savings banks does not exist in Switzerland. However, several private institutes of finance have adopted a system according to which the deposit in the savings bank may be effected by means of postage stamps. The postal administration cooperate with this institution in exchanging with said corporations current money in return for the postage stamps used for such deposits.

Further permit us to inclose herewith a copy of a postale paper touching the introduction of popular insurance in Switzerland, a work to which the postal administration likewise lend its concourse.

9 to 14. The telegraphs and telephones constitute a monopoly of the Confederation. The telegraphs have never been in private hands, but have been managed by the Swiss Confederation since 1852.

The system of telephone at Zurich, owned by a private association, was purchased in 1886 by the Swiss Confederation for the sum of 298,655 francs ($59,731). This system had at that time 960 stations and 797 kilometers (480 miles) of lines.

At the end of 1896 Switzerland had 1,936 telegraph offices (not including those served exclusively by the railroads), with 7,142 kilometers (4,285 miles) of lines, and 20,303 kilometers (12,180 miles) of wire, and 252 central telephone offices (28,198 stations), with 10,501 kilometers (6,300 miles) of lines and 73,980 kilometers (44,400 miles) of wire.

15 and 16. The telegraph stamps are not in use since 1896. In the telephone service no stamps are used.

17. No minimum is fixed for the number of words of a telegram. Accordingly, we accept telegrams containing only two words, to wit, the name of the person to whom the cablegram is addressed and the name of the bureau of destination. The tax for two words is 35 centimes (7 cents). (See question 18.)

18. The internal telegraph tax consists of a fixed foundation tax of 30 centimes (6 cents) and a tax of 2½ centimes (½ cent) for each at any distance.

As to the tax of telephones, we take the liberty to refer to article 12 of the telephone law (see inclosure).

19 and 20. There exist for the press no special tax and no dispositions particularly applicable to them.

In the hope that the foregoing information answers the desires of your excellency, and remaining at your disposition in case you should wish further information, we renew to you, Mr. Minister, etc.

The Department of Post and Railroads.

ZEMJS.

THE SWISS TELEPHONE LAW OF JUNE 27, 1889, MODIFIED BY THAT OF DECEMBER 7, 1894.

The establishment and operation of the telephone system are part of the telegraph system, and are under control of the telegraph administrator.

In towns having no telephone arrangements, town stations connected with the general telephone system or with the system of another town will be established, subject to the following conditions:

Payment of the taxes fixed for the account of the confederacy, the town receiving, as indemnity for its expenses, a portion of the charges for service.

The federal council decides what telephone net works are to be connected.

Telephone subscribers pay for the first year $20, for the second year $14, and for the following years $8. If they are more than 1½ miles from the central station, there is an additional charge of 60 cents per single wire and 90 cents per double wire for every 100 yards additional distance.

Telephone communications in the mountains are charged according to circumstances. The charge for receiving and forwarding communications by phonogram is for each word one-fifth of a cent, with a fixed charge of 4 cents. For distances beyond three-fifths of a mile messenger rates are charged, the same as for telegraph service.

At communal and public stations charges for conversation over the regular system are fixed according to time, at the rate of 2 cents for every three minutes or fraction thereof; 6 cents up to a distance of 30 miles; 10 cents up to a distance of 60 miles, and 15 cents for greater distances (in straight line). The charges are to be lowered by the federal council when the profit of operation permits it. The federal council is also authorized to grant concessions for telephone communications, independent of the public telephone, and restricted to the use of certain persons.

By the law of 7th December, 1894, the graduated charges fixed in the law of 27th June, 1889, are reduced by $6 a year; the minimum charge, however, being $8 a year to subscribers.

Private telephones can only be used for family or business affairs. Two private telephones belonging to different persons or firms can not be connected. Conversations over them can only be carried on through the central station.

Public telephone stations are for the use of everyone. They are of two classes—those of subscribers, which are authorized to serve as public stations, and those installed by the administration exclusively for the public service. The managers of each class are entitled to half the charges for local conversations, or 1 cent for every three minutes, with an addition of 2 cents in interurban traffic; 2 cents for each phonogram, and 2 cents additional for every telegram to be telephoned.

The charges in the communal (or village) stations are the same as those in the public stations, and the commune receives half of them for its share, with 3 cents additional for every telephoned telegram. Telegrams arriving at communal stations are sent without expense to those persons living within three-fifths of a mile. For greater distances messenger expenses are charged at the rate of about 5 cents a mile, 10 cents a mile and a half, and 6 cents additional for every three-fifths of a mile.

The day service of central offices begins at 7 a. m. in summer and at 8 a. m. in winter, and continues the whole year up to 9 p. m. The post-office and railroad department of the Government may order a prolongation of service when the conditions of business require it. The central offices, with which at least the wires of 300 subscribers are connected, are open all night. Where there are less than 300 wires connected, there is a partial night service, in the sense that an official may be "rung up" and called to the service. In the latter case, the charges are, during the first hour after closing and the last hour before the day's opening, 5 cents for each conversation, and during the other hours of the night, 10 cents.

URUGUAY.

Mr. Stuart to Mr. Sherman.

LEGATION OF THE UNITED STATES,
Montevideo, September 7, 1897.

SIR: I have received Mr. Day's circular letter dated July 17, 1897, instructing me to apply to the Government of Uruguay for such information as may be obtainable regarding the nature and practical workings of the postal telegraphs, postal telephones, and postal savings banks of Uruguay and Paraguay.

I have applied to this Government for the information, but owing to the civil war now in progress I fear it may be very much delayed, if furnished at all.

I will therefore at once furnish such particulars as I have been able to obtain during my residence here.

1. There are no postal savings banks.
2. The Government built its lines.
3. The Government does not sell telegraphic or telephonic stamps; none are used.
4. The general internal tariff for private telegrams is 30 cents for first ten words, and 2 cents for each subsequent word. Urgent telegrams are double these rates.
5. Press telegrams, 50 per cent rebate from ordinary tariff.
6. Telephone messages, long distance, are not sent, but the party desiring the conference sends a telegram asking for a conference at a given hour, at which time they are given the use of a private padded closet at each end in which to talk without being overheard, for which they are charged $1 for the first ten minutes and $1 for each subsequent five minutes or fraction thereof, the party making the call paying.

In towns and cities the system is practically the same as that in use in the United States.

I inclose herewith an official almanac, intended to spread the knowledge of all such matters. It is furnished free, and contains very full information of the operations and requirements of those services. It is valuable, and might be advantageously followed by other nations.

I have, etc.,

GRANVILLE STUART.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES, TRANSMITTING, IN FURTHER RESPONSE TO RESOLUTION OF THE SENATE OF JULY 12, 1897, A REPORT OF THE SECRETARY OF STATE, WITH ACCOMPANYING PAPERS, RELATING TO POSTAL TELEGRAPHS, TELEPHONES, AND POSTAL SAVINGS BANKS IN FRANCE.

To the Senate:

In connection with Senate Document No. 39, Fifty-fifth Congress, second session, and in further response to the resolution of the Senate of July 12, 1897, I transmit herewith a report from the Secretary of State, with accompanying papers, relating to postal telegraphs, telephones, and postal savings banks in France.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, March 3, 1898.

The PRESIDENT:

Supplementing the reports which have heretofore been transmitted to the Senate in response to the resolution of that body of July 12, 1897, the undersigned, Secretary of State, has the honor to lay before the President, with a view to a like disposition, copy of a dispatch from the ambassador of the United States at Paris, with its accompaniments, touching the nature and practical working of the postal telegraphs, telephones, and postal savings banks of France.

Respectfully submitted.

JOHN SHERMAN.

DEPARTMENT OF STATE,
Washington, March 2, 1898.

FRANCE.

Mr. Porter to Mr. Sherman.

EMBASSY OF THE UNITED STATES,
Paris, February 15, 1898.

SIR: Referring to your printed circular of July 17, 1897, instructing me to apply to the French Government for such information as may be obtainable under the several heads given in the circular, I have to report that in reply to this request the French minister of commerce and industry, under whose charge the postal, telegraphic, and telephonic departments are placed, has just sent me certain documents and notes, from which the inclosed statement is abstracted. It covers all the questions set forth in your circular.

I have the honor to be, very respectfully, your obedient servant,

HORACE PORTER.

Hon. JOHN SHERMAN,
Secretary of State.

REPLY TO QUESTIONS PROPOUNDED IN THE CIRCULAR OF JULY 17, 1897.

1. Copies of all existing laws as to postal telegraphs, telephones, and postal savings banks.

Copies of these laws accompany this statement. Laws relative to telegraphs marked A; telephones, B; savings banks, C.

2. The annual aggregate amounts of deposits in postal savings banks, as shown by official reports for each year since the establishment of the system.

Total amount of deposits since the creation of the system January, 1882, to December 31, 1896, viz, 3,464,672,171 francs ($692,934,434). For particulars see report to the President of the French Republic (C).

3. What is the rate of interest paid to depositors?

Formerly it was 3 per cent; it is now 2½ per cent.

4. What limits, if any, are placed upon the amounts received on deposit?

Not less than 1 franc (20 cents); not more than 1,500 francs ($300).

5. What is the shortest period for which deposits are received?

The whole amount can be withdrawn within fifteen days after deposit.

6. What is the average amount of the individual deposits annually?

See printed report to the President (C).

7. Are the certificates of deposit transferable; and if so, upon what terms?

Not transferable and not subject to seizure.

8. Are the certificates of deposit convertible into Government bonds; and if so, upon what terms?

When the amount deposited by an individual reaches 1,500 francs ($300) he is requested to reduce it; if he does not, the amount is invested in Government rentes subscribed to in the name of the depositor.

9 and 10. Does the Government own either the telegraphs or telephones of France; and if so, when and how did it acquire them? If the Government of France purchased the lines of private telegraph or telephone companies, how was the price paid for the same determined? If by appraisers, how were they appointed?

Telegraphic and telephonic lines are owned exclusively by the Government. The telegraphic lines were all established by the Government and are worked by the Government. Short lines or special lines are conceded to individuals and corporations, and are worked by them under certain restrictions and State supervision.

Formerly telephonic lines were established by private companies under charters given by the State. These charters were not renewed at their expiration, and the State purchased the property belonging to these companies. The price of purchase was fixed by mutual agreement or by decisions of the courts.

11. If the telegraphs or telephones of France have been purchased by the Government, what was the original cost of constructing them, and what price did the Government pay for the same?

No precise information obtained on this point.

12. What were the annual receipts and expenditures of the telegraphs and telephones under private management, and what have been the annual receipts and expenditures of the same under Government management?

The receipts of the telegraphic lines amounted, in 1896, to 37,000,000 francs ($7,400,000). The expenditures can not be stated, because the

postal and telegraphic services are consolidated. The same offices are used by both services and the same men employed in both.

It is believed, however, that the international lines yield something, whereas the interior lines do not.

As for telephones, the expenditures have amounted to 41,943,935 francs ($8,388,787) for the period extending from 1892 to 1895, and the receipts to 34,864,746 francs ($6,972,949). The receipts are about 9,000,000 francs ($1,800,000) per annum. In Paris the subscribers pay 400 francs ($80) per annum for the use of the telephones.

13. At the time of the transfer of the telegraphs and the telephones of France to the Government, how many offices and how many miles of wire of each were in France, and how many offices and miles of wire of each are there now?

In 1896 there were 11,901 telegraphic offices in France, which sent or received 44,708,298 telegrams. In the same year there were 319,730 kilometers (191,840 miles) of telegraphic wires.

In 1889 there were 40 telephonic lines and 3,880 kilometers (2,328 miles) of telephonic wires. On December 31, 1895, there were 415 offices and 10,990 kilometers (6,594 miles) of wires.

14. How does the cost of the extension of telegraphs or telephones which have been made by the Government of France compare with the original cost of construction of the telegraphs or telephones of France by private companies?

The telegraphs have never been under private control. The telephones have, but for a very short time only. No data obtainable.

15. Does the Government of France sell telegraphic and telephonic stamps for the convenience of the public in paying for the transmission of telegrams and telephonic messages; and, if so, how many denominations of such stamps are issued?

There are no telegraphic or telephonic stamps in France, but the Government issues telegraphic cards of two denominations—30 centimes (6 cents) and 50 centimes (10 cents).

16. What system has been adopted for accounting for the sale of telegraphic and telephonic stamps by the postal authorities and for the cancellation of such stamps?

Nothing to be canceled.

17. To how many words is the ordinary telegraphic or telephonic message restricted, and what is the charge for such messages?

There is no restriction as to the number of words telegraphed or telephoned. No telegram can be sent for less than 10 cents. It may contain ten words, not more.

18. What is the general internal tariff for private telegrams and telephonic messages, as regulated by the number of words and distances?

The internal tariff for private telegrams is 5 centimes (1 cent) per word. The distance is immaterial. In Paris public telephone offices, the price for communicating with a person in Paris is 5 cents for three minutes; Paris to Brussels, 3 francs (60 cents) for five minutes; Paris to London, 10 francs ($2) for three minutes.

19. What is the tariff for press telegrams and telephonic messages?

Half of the ordinary tariff for telegrams.

20. What is the average number of words sent daily for the press?

About 70,000.

21. What is the annual value of the work performed by the telegraphs and telephones and postal savings banks?

See replies to questions 2 and 12.

TELEPHONES.

In the underground telephone lines the annual subscription is fixed, by decree of September 7, 1895, as follows:

At Paris, 400 francs ($80) for a telephone connected with the central office of the district by a special wire (this is designated a principal telephone), 160 francs ($32) for a telephone connected with a wire for the service of another establishment (this is designated "secondary"), 50 francs ($10) for a telephone connected with another principal or secondary telephone (this is designated "supplementary").

In the provinces of France these charges are, respectively, 300, 120, and 40 francs ($60, $24, and $8) in cities with a population of over 25,000, and 150, 120, and 40 francs ($30, $24, and $8) in cities with a population less than 25,000.

Telephone statistics—1890 to 1895.

Objects.	Years.					
	1890.	1891.	1892.	1893.	1894.	1895.
I.—*City networks.*						
a. Number of networks	54	112	207	294	357	407
b. Length of lines, in miles:						
Aerial	1,164	2,752	2,651	3,208	3,878	4,947
Underground	.....	.....	4,551	15,978	2,957	3,289
Total	1,164	2,752	7,202	19,186	6,835	8,236
c. Development, in miles of wire:						
Aerial—						
In service	2,328	5,504	9,833	9,205	11,634	14,275
In reserve	.....	.....	.....	.....	392	325
Underground—						
In service	.....	.....	25,943	31,177	18,107	22,362
In reserve	.....	.....	.....	.....	4,055	4,386
Total	2,328	5,504	35,776	40,382	34,188	41,348
II.—*Interurban circuits.*						
a. Number of circuits:						
Interior—						
With a single wire	.....	.....	.....	.....	5	5
With a double wire	28	93	201	261	394	551
International	2	2	8	10	10	11
Total	30	95	209	271	409	567
b. Length of lines:						
Aerial	1,484	.....	6,834	8 147	7,200	8,953
Underground	18	.....	.....	.....	186	187
Submarine	.....	.....	23	23	23	23
Total	1,502	.....	6,857	8,170	7,409	9,163
c. Development of wires:						
Aerial	2,969	.....	13,668	16,295	18,880	23,283
Underground	54	.....	.....	.....	1,185	1,271
Submarine	.....	.....	45	45	45	91
Total	3,023	.....	13,713	16,340	20,110	24,645
III.—*Stations and private telephones.*						
a. Number of central stations	52	126	220	307	370	419
b. Number of public offices	50	62	201	607	487	762
c. Number of rented telephones	11,440	18,191	22,918	25,858	28,092	30,919
Total	11 542	18,379	23,339	26,772	28,949	32,100

Telephone statistics, 1890 to 1895—Continued.

Objects.	Years.					
	1890.	1891.	1892.	1893.	1894.	1
IV.—*Personnel.*						
a. Central direction (number of persons employed)	.....	.....	27	35	32	
b. Personnel of the lines:						
Managers and assistants	.....	.....	1	1	1	
Engineers	.....	.....	7	7	6	
Heads of equipment and climbers	.....	.....	145	167	96	
Workmen	.....	.....	160	170	172	
Telephone operators	.....	.....	1,038	1,272	1,299	
Messengers	.....	.....	106	110	186	
Total	.....	.....	1,484	1,762	1,871	
V.—*City conversations.*						
a. From subscriber to subscriber	.....	.....	19,014,965	27,265,732	40,098,598	73,
b. Between subscribers and public offices or reciprocal	.....	.....	490,539	551,966	677,762	7
c. Between subscribers and central station to be sent by messenger to a nonsubscriber	.....	.....	1,354	1,493	38,473	
d. Between a public office and central station to be sent by messenger to another nonsubscriber	52	43,412	138,339	116,468	116,912	1
e. Telephoned telegrams:						
Sent	.....	.....	385,785	475,707	691,764	7
Received	.....	.....	200,993	469,969	793,193	9
Total	52	43,412	20,231,975	28,881,335	43,216,702	76,
VI.—*Interurban conversations.*						
Number of conversations	127,880	224,706	542,910	715,384	1,157,552	1,
VII.—*Receipts.*						
A. Urban conversations:						
a Subscriptions	.....	$1,114,978	$1,143,940	$1,305,127	$1,629,483	$1,
b Conversations	$20,130	42,144	91,827	50,322	62,127	
c Various receipts	654	802	.....	.....	.....	.....
B. Interurban conversations:						
a Charges for conversations	36,040	50,906	93,992	244,101	245,193	3
b Various receipts	2,380	2,510	.....	.....	.....	.....
Total	59,204	1,211,340	1,329,759	1,599,550	1,936,803	2,
VIII.—*Expenses.*						
a. Cost of establishment prior to current year	.....	.....	.....	.....	.....	.....
b. Expenses of the current year:						
Personnel	.....	.....	426,895	.....	561,727	
Material	.....	.....	1,546,644	.....	1,438,183	1,
Total	.....	.....	1,973,539	.....	1,999,913	2,

CHRONOLOGICAL SUMMARY OF THE LAWS, DECREES, AND MI TERIAL ORDERS CONCERNING THE NATIONAL SAVINGS BAN

POSTAL SAVINGS BANK LAW OF THE 9TH OF APRIL, 1881.

ART. 1. There is established a public savings bank under the guaranty c State. It is placed under the authority of the minister of mails and telegraph: takes the name of Postal Savings Bank.

The French post-offices will be called upon by ministerial orders to particip the service of the Postal Savings Bank.

Every depositor having his savings pass book may continue his deposits and his withdrawals in all French post-offices duly organized into agencies for tha pose.

ART. 2. The funds of the Postal Savings Bank will be deposited at Paris i Bank of Deposits, and in the provinces with the assistant treasurers.

They will produce to the savings bank an interest of 3¼ per cent.

ART. 3. An interest of 3 per cent will be paid to the depositors by the savings l

It will begin from the 1st or 16th of each month after the day deposited, and will cease from the 1st or 16th of the month which will have preceded the day of reimbursement. On the 31st of December of each year the accrued interest will be added to the capital, and will itself bear interest.

ART. 4. The rate of interest fixed by the two preceding articles can only be modified by law.

ART. 5. The costs of the administration of the Postal Saving Bank will be paid:

First. By the difference between the interest paid to it by the Treasury and that paid by it to depositors.

Second. By the difference in the interest produced by the accrued interest on Government securities and the rate of 3¼ per cent paid to the postal bank.

ART. 6. The post-office administration will open an account with every person by whom or in whose name funds shall be deposited for savings purposes in a post-office. It will deliver gratuitously, in the name of the beneficiaries, a pass book on which will be inscribed the payments, the withdrawals, and the interest acquired. No one can have more than one pass book at the savings bank under the penalty of losing the interest of the sums inscribed on the second pass book. Minors are permitted to open books without the intervention of a legal representative. They may withdraw without such intervention, but only after the age of 16, the sums appearing upon their pass books, except in case of opposition on the part of their legal representative. Married women, whatever may be the régime of their marriage contract, will be permitted to open pass books without the assistance of their husbands, and may withdraw, without such assistance, the sums inscribed upon pass books so opened, except in case of opposition on the part of their husbands.

ART. 7. Every depositor who shall have to his credit a sum sufficient to purchase 10 francs ($2) of rentes at least, may have that purchase made without expense by the Postal Savings Bank.

ART. 8. No deposit of less than 1 franc (20 cents) will be received. The account opened to each depositor can not exceed the figure of 2,000 francs ($400), whether deposited at one time or at several times.

ART. 9. As soon as an account shall exceed (by the deposits and by the capitalization of the interest) the figure of 2,000 francs ($400), notice shall be given to the depositor by registered letter. If, in the three months following that notice, the depositor has not reduced his credit there shall be purchased for him officially and without expense government securities to the amount of 20 francs ($4) a year. The service of interest upon the excess will be suspended from the date of notice up to the date of the reduction of the account.

ART. 10. When the depositor shall not have withdrawn the Government securities purchased on his account in the case provided for in the preceding article, the bank will draw the arrears and will inscribe them as a new deposit to the credit of the depositor.

ART. 11. Notice of withdrawal will be given in advance, and the reimbursement will take place within a delay of eight days at most for continental France. Additional delays will be fixed by decree for the operations that necessitate the intervention of an office outside of continental France.

ART. 12. In case of necessity the Postal Savings Bank may be authorized to make the reimbursement at the minimum rate of 50 francs ($10) every fortnight.

ART. 13. Mutual aid societies will be admitted to make deposits in the Postal Savings Bank, and the account opened to their credit may reach the figure of 8,000 francs ($1,600). Cooperative, beneficent, and other societies of the same nature may be admitted to make deposits on the same conditions after having obtained the authorization of the department.

ART. 14. The account of a pass book on which there has been no payment or withdrawal or any other operation for thirty years will cease to be productive of interest and will be reimbursed to the person entitled. If the person entitled to it be not known, or if for any cause whatever the reimbursement can not be operated, the sum inscribed to his credit shall be converted into a State security, which shall be deposited at the Bank of Deposits. There shall also be deposited there the securities purchased, either officially or at the demand of the person entitled, and not withdrawn within thirty years; but for investments made upon the condition, stipulated by the donor or testator, that the person entitled can not dispose of it until after a certain period, the period of thirty years will only begin to run from that period.

ART. 15. Gifts and legacies may be made to the Postal Savings Bank in the forms and under the regulations prescribed for establishments of public utility.

ART. 16. The Postal Savings Bank will possess an endowment formed—

1. Of the profits and bonuses realized over the expenses of administration, when these expenses will not reach the one-fourth of 1 per cent destined to cover them.
2. Of the gifts and legacies that may be given to it by third parties.
3. Of the products of deposits not withdrawn as foreseen in article 14.
4. Of the capitalization of interests from these various funds.
5. From the difference of interest produced by the arrearages of securities pur-

chased in execution of article 19 and the rate of 3¼ per cent paid to the Postal Savings Bank as authorized by article 5.

ART. 17. The minister of mails and telegraphs will make annual reports upon the situation and operations of the Postal Savings Bank. These reports shall be published in the Official Journal and distributed to the Senate and House of Deputies.

ART. 18. A public administration regulation will determine the mode of control of the Postal Savings Bank.

ART. 19. The Bank of Deposits will make use of all the sums deposited with it by the Postal Savings Bank. This employment shall be in French Government securities. The difference produced by accrued interest on those securities and the rate of 3¼ per cent allowed to the postal bank will increase the endowment instituted by article 16. Nevertheless, in order to satisfy the reimbursement which may be demanded, the Bank of Deposits will keep for its current account in the treasury a reserve of one-fifth of the deposits made with it; such reserve, however, not to exceed 100,000,000 francs ($20,000,000.)

ART. 20. The papers, writings, and acts of every kind necessary for the service of the Postal Savings Bank shall be exempt from the formalities of stamp and registration.

ART. 21. No one can have a pass book in the Postal Savings Bank and a pass book in an ordinary savings bank, under penalty of losing the interest of the sums deposited.

The decree by the President of the French Republic, dated August 31, 1881, declares that the Postal Savings Bank is established at Paris, in the department of mails and telegraphs, and that all the French post-offices are required to participate as correspondents of the savings bank in the receipt of sums paid in by depositors and in the reimbursement in capital and in interest of the sums so deposited. The direction and surveillance of the operations are confided to an administrative service established in the department of mails and telegraphs under the title of Direction of the Postal Savings Bank.

Every depositor who makes for the first time a payment in the Postal Savings Bank is required to ask a pass book, in which he gives his family name, his Christian name, age, date, and place of birth, residence, and profession, and declares that he has no other pass book, either in the Postal Savings Bank or in any private savings bank.

The first deposits made in the Postal Savings Bank are subjected to these rules:

1. Whoever makes a first deposit must declare whether he makes it for his own account or for the account of another.

2. When the depositor declares that he makes it on his own account, the request for a pass book is signed by him.

3. In regard to a woman declaring herself a widow, the name and Christian name of the deceased husband are added.

Every depositor who wishes to withdraw all or part of his account addresses the request to that effect directly to the department of posts and telegraphs.

By another decree of the President of the French Republic, dated November 30, 1882, every person desiring to obtain a pass book from the National Savings Bank, and every person already having one, may make a deposit of 1 franc (20 cents) in common postage stamps.

By a decree of the President of the French Republic dated November 22, 1886, branches of the National Savings Bank are established for sailors and marines.

By a decree of the President of the French Republic dated November 29, 1886, the department of mails and telegraphs was authorized to acquire a site for the National Savings Bank, and to have erected thereon the necessary buildings, at an expense of not exceeding 800,000 francs ($160,000).

By the financial law of the 26th November, 1890, the rate of interest

paid by the treasury upon securities held by the national and private savings banks can not be higher than the rate of interest of the treasury bonds.

By the savings-bank law of July 20, 1895, the ordinary savings banks are required to place in the bank of deposits all the sums received by them from depositors, and these sums are used by the bank of deposits in purchasing State securities, or securities having the Government guaranty, or negotiable securities of the provinces of the communes and the chambers of commerce and real estate securities.

Every depositor having to his credit a sum sufficient to purchase an annuity of 10 francs ($2) at least, can have that purchase made in his own name without expense through the administration of the savings bank.

The account opened for each depositor can not exceed the sum of 1,500 francs ($300). The accounts exceeding the figure of 1,500 francs can not have new deposits made; they will continue to produce interest, but they must be brought back to the maximum limit of 1,500 francs ($300) within five years. The existence of a common savings bank or of a branch in any commune will be an objection to the opening in the same commune of any savings bank or branch.

By a decree of the President of the French Republic, dated October 27, 1895, the rate of interest allowed to the ordinary savings banks by the bank of deposits is fixed at 3¼ per cent, and the National Savings Bank is to pay to its depositors interest at the rate of 2½ per cent.

REPORT OF THE NATIONAL SAVINGS BANK TO THE PRESIDENT OF THE REPUBLIC.

PARIS, *November 20, 1897.*

MONSIEUR LE PRESIDENT: The law of July 20, 1895, upon savings banks has been applied in full for the first time on January 1, 1896. It is only at that date that the limitation to 1,500 francs ($300) of the total amount of annual deposits on the same pass book has been put in force.

Already since the promulgation of the law the maximum of pass books had been reduced to 1,500 francs. The immediate consequence of that disposition had been a sensible increase of the amount of the purchases of national securities and of repayments; and during the five last months of the year 1895 the excess of reimbursements over deposits had taken place to the amount of about 7,000,000 francs ($1,400,000). But the march of operations has resumed its normal course, and it is now possible to appreciate the results due to the complete application of the new régime.

As might be foreseen, the amount of deposits has diminished. It has diminished by 47,000,000 francs ($9,400,000), and the average deposit has fallen from 144 francs ($29) to 126 francs ($25). The object of the new law appears, therefore, to have been attained. The depositors who considered savings banks as banks of deposit and of current accounts have withdrawn by degrees and the customers of the National Savings Bank are still tending to be recruited exclusively among the small depositors, who really save money and who carry into that establishment their capitals in course of formation.

During the year 1896 the number of repayments has increased, but their amount has fallen off by about 16,000,000 francs ($3,200,000), and

the deposits show an excess over the withdrawals of 12,751,419 francs ($2,550,084).

On the other side, if we examine the number of operations of every kind, we find an increase of 49,256, and the number of bank books has increased by 195,956. The National Savings Bank, therefore, continues to enjoy, as in the past, the favor of the public.

Operations of the National Savings Bank for the year 1896.

RECEIPTS.

	Francs.	
In the course of 1896 there were 2,803,412 deposits, with a total amount of	355, 274, 278	($71, 054, 855)

EXPENSES.

	Francs.	
On the other side there were 1,375,703 reimbursements, amounting to	342, 522, 859	($68, 504, 571)

EXCESS OF RECEIPTS OVER EXPENSES.

	Francs.	
The excess of receipts over expenses for the year 1896 was	12, 751, 420	($2, 550, 284)

AMOUNT DUE TO DEPOSITORS.

	Francs.	
On the 31st of December, 1895, the depositors had to their credit	753, 458, 527	($150, 691, 705)
With accrued interests, etc., amounting to	31, 491, 679	(6, 298, 335)
The net property of the depositors on December 31, 1896, was therefore	784, 950, 207	(156, 990, 041)
Or an increase over the prior year of	31, 491, 679	(6, 298, 335)

INVESTMENT OF FUNDS.

This amount, on the 31st of December, 1896, was represented by the French Government securities belonging to the National Savings Bank, and by the amount of the operations arranged with the public treasury in the first days of the year 1897.

On the 31st of December, 1896, the National Savings Bank possessed, in securities of the French Government, a capital of 740,141,120 francs ($148,028,224), represented by—

	Francs.	
(*a*) 7,099,870 francs, ($1,419,976) of perpetual 3 per cent rentes, having cost	222, 339, 650	($44, 467, 930)
(*b*) 10,232,160 francs ($2,046,432) of 3 per cent sinking-fund rentes, costing	300, 003, 744	(60, 000, 748)
(*c*) 2,331,840 francs ($466,368) of 3½ per cent rentes, purchased for	70, 769, 314	(14, 153, 862)
(*d*) 4,404,602 francs ($880,920) of securities in treasury obligations, purchased for	147, 028, 410	(29, 405, 682)
Total equal to	740, 141, 120	(148, 028, 224)

OPERATION OF THE POSTAL SAVINGS BANK DURING THE YEARS 1882 TO 1896, INCLUSIVE.

The comparison, by way of receipts and expenses, of the results acquired since the foundation of the National Savings Bank shows the successive development of the different operations.

The deposits form two categories—the first deposits and the subsequent deposits. The first deposits were as follows:

Years.	First deposits.			Average deposits.	
	Number.	Amount.			
		Francs.	United States equivalent.	Francs.	United States equivalent.
1882	227,438	47,606,879	$9,521,376	210	$42
1883	207,827	40,440,833	8,088,167	194	38
1884	222,159	46,780,639	9,356,128	210	42
1885	221,107	52,185,749	10,437,149	236	47
1886	239,502	58,522,168	11,704,434	244	48
1887	236,888	58,640,041	11,728,008	247	49
1888	261,966	67,573,159	13,514,632	257	51
1889	293,120	78,220,984	15,644,197	266	53
1890	348,847	100,973,521	20,194,704	289	57
1891	420,097	117,303,901	23,460,780	279	55
1892	486,737	132,417,470	26,483,404	272	54
1893	416,558	99,670,649	19,934,129	239	47
1894	482,372	117,898,582	23,579,716	244	48
1895	495,057	118,381,480	23,676,296	239	47
1896	466,957	108,757,513	21,751,503	233	46
General total and general average	5,026,641	1,245,373,574	249,074,715	247	59

From 1882 to 1887 the number of first deposits has undergone alterations of increase and diminution. Since 1888 the number has been in continuous increase except in 1893. During the year 1896 the number of pass books opened amounted to only 466,957, or a diminution of 5.67 per cent over the preceding year. As to the amount, the sums deposited as a first deposit have ceased to increase from 1883 up to 1895, inclusive. The results of the years 1893, 1894, and 1895 are inferior to those of the year 1892; besides, in 1896, a diminution of 9,623,966 francs ($1,922,793) as compared with the year 1895, or 8.12 per cent. The average figure of first deposits which was 244 francs ($48) in 1894 and 239 francs ($47) in 1895 fell back to 233 francs ($46) in 1896.

Division of new pass books in 1896 according to sex and profession.

	Men.	Women.	Total.	Proportion of the whole.
Heads of agricultural, industrial, and commercial establishments	23,153	6,989	30,142	*Per cent.* 6.48
Day laborers and agricultural workmen	38,414	11,170	49,584	10.62
Industrial workers	49,843	26,512	76,355	16.37
Domestic servants	25,379	40,788	66,167	14.18
Soldiers and sailors	19,025	259	19,284	4.13
Employees	34,062	9,209	43,271	9.27
Liberal professions	11,760	5,174	16,934	3.63
Property owners, bond owners, and persons without profession	16,712	50,712	67,424	14.44
Minors exercising no profession	51,103	45,766	96,869	20.76
Nomads	703	224	927	.12
Total	270,154	196,803	466,957	100.00

This division of pass books is almost the same as that observed in the course of the preceding years, except that there is a slight diminution in the category of proprietors, bond owners, bondholders, and persons without profession (14.44 per cent instead of 18.22 per cent in 1885).

Comparison of annual results.

	Difference.						Proportion per cent.					
	Increase.			Decrease.			Increase.			Decrease.		
		Amount.			Amount.			Amt.			Amt.	
	Number.	Francs.	U. S. equivalent.	Number.	Francs.	U. S. equivalent.	Number.	Francs.	U. S. equivalent.	Number.	Francs.	U. S. equivalent.
1883 compared with 1882	224,278	8,401,389	$1,680,278	.....	.....	.....	47.27	12	$2	.....	.....	..
1884 compared with 1883	219,698	21,061,343	4,212,269	.....	.....	.....	31.50	28	5	.....	.....	..
1885 compared with 1884	122,576	18,831,375	3,766,275	.....	.....	.....	13.36	20	4	.....	.....	..
1886 compared with 1885	156,641	20,303,810	4,060,762	.....	.....	.....	11.14	15	3	.....	.....	..
1887 compared with 1886	95,504	11,154,477	2,230,895	.....	.....	.....	7.98	8	1	.....	.....	..
1888 compared with 1887	163,928	24,926,025	4,985,205	.....	.....	.....	12.68	17	3	.....	.....	..
1889 compared with 1888	245,487	39,097,753	7,819,550	.....	.....	.....	14.42	18	3	.....	.....	..
1890 compared with 1889	246,917	53,550,327	10,710,065	.....	.....	.....	14.51	25	5	.....	.....	..
1891 compared with 1890	266,559	61,330,676	12,266,135	.....	.....	.....	13.68	23	4	.....	.....	..
1892 compared with 1891	282,012	64,744,671	12,948,934	.....	.....	.....	12.73	20	4	.....	.....	..
1893 compared with 1892	.....	.....	.....	146,616	49,998,860	$9,999,772	.....	.....	..	5.87	12	$2
1894 compared with 1893	303,843	56,592,460	13,318,492	.....	.....	.....	12.92	16	3	.....	.....	..
1895 compared with 1894	138,430	8,453,471	1,690,694	.....	.....	.....	5.21	2	0	.....	.....	..
1896 compared with 1895	6,746	.....	.....	.....	47,875,218	9,575,043	.24	...	..	.....	11	2

Reimbursements, partial and complete.

Years.	Reimbursements.					Average.	
	Number.			Amount.			
	Partial.	Complete.	Total.	Francs.	United States equivalent.	Francs.	United States equivalent.
1882	36,682	15,858	52,540	16,410,817	$3,282,163	312	$62
1883	102,365	43,569	145,934	42,154,983	8,430,997	288	57
1884	156,556	56,674	213,230	56,025,991	11,205,198	262	52
1885	218,936	69,848	288,784	74,752,309	14,950,462	258	51
1886	290,582	87,031	377,613	97,848,996	19,569,799	259	51
1887	352,511	102,344	454,855	112,904,198	22,580,839	248	49
1888	421,793	111,579	533,372	129,200,313	25,840,062	242	48
1889	498,021	121,370	619,391	147,819,746	29,563,949	228	47
1890	589,253	145,902	735,155	187,245,246	37,449,049	241	48
1891	711,652	201,562	913,214	238,218,275	47,643,655	260	52
1892	831,346	246,808	1,078,154	289,070,813	57,814,162	268	53
1893	893,995	300,759	1,194,754	351,502,593	70,300,518	294	59
1894	944,400	281,262	1,225,662	325,378,078	65,075,615	265	53
1895	1,039,001	287,922	1,326,923	352,608,821	70,521,764	265	53
1896	1,098,783	271,001	1,369,784	336,129,500	67,225,900	245	49
Total	8,185,876	2,343,489	10,529,365	2,757,270,687	551,454,137	260	52

By the law of July 20, 1895, the existing law was so modified that the societies which were formerly authorized to deposit up to 8,000 francs ($1,600) were authorized to deposit as high as 15,000 francs ($5,000), at once or at several times.

In order to respond to the wants of the public the National Savings Bank has organized successfully a service of payment on sight, by means of pneumatic tubes, at Paris, and an international service between France and Belgium. It has also created the savings-bank cards (for postage stamps), the savings postage stamps, repayment by postal order, repayment by telegraph, and repayment by deposits in

the superanuated-fund bank, naval branches, branches in Algeria and in Tunisia, and foreign branches at Alexandria (Egypt), Tangier (Morocco), Constantinople, Salonica, and Smyrna (Turkey), Beirut (Syria), and at Port Said (Egypt), besides branches in France.

The number of reimbursements by means of pneumatic tubes in Paris has been:

1885	5,684
1886	8,748
1887	11,694
1888	15,426
1889	20,119
1890	23,793
1891	26,383
1892	30,522
1893	32,457
1894	34,563
1895	37,067
Total	282,603

SAVINGS POSTAGE-STAMP CARDS.

The smallest savings may be gathered up on the savings card with 1-cent and 2-cent postage stamps. This card is received as a payment in cash when the value of the stamps has reached 1 franc (20 cents). The number of savings cards deposited since their creation has been:

1883	70,249
1884	112,593
1885	98,528
1886	98,800
1887	86,615
1888	82,912
1889	84,739
1890	83,270
1891	80,721
1892	75,997
1894	76,022
1895	75,471
1896	81,908

representing a total of 1,188,653 francs ($237,730).

Reimbursements by post-office orders.

Year.	Number of reimbursements.	Amount of reimbursements.	
		Francs.	United States equivalent.
1884	63	14,741	$2,948
1885	136	20,594	4,119
1886	264	44,503	8,900
1887	272	46,247	9,249
1888	260	54,762	10,952
1889	354	83,847	16,769
1890	386	83,782	16,756
1891	373	88,899	17,779
1892	427	104,365	20,873
1893	589	152,891	30,578
1894	714	154,352	30,870
1895	588	119,208	23,841
1896	548	121,130	24,226
Total	4,974	1,089,225	217,869

The number of reimbursements by post-office orders effectuated in 1896 to the profit of the beneficiaries residing abroad was increased to 180, representing the sum of 48,149 francs ($9,629).

Reimbursements asked and authorized by telegraph.

Years.	Number of authorizations.	Amount of authorizations.	
		Francs.	United States equivalent.
1884	1,384	168,111	$33,222
1885	4,199	528,519	105,703
1886	6,455	783,032	156,606
1887	8,049	911,686	182,337
1888	9,637	1,033,240	206,648
1889	11,876	1,592,973	318,194
1890	12,867	1,396,195	279,239
1891	13,358	1,478,060	295,610
1892	12,878	1,425,206	285,041
1893	17,916	1,873,126	374,625
1894	20,216	2,325,100	465,020
1895	20,841	2,434,594	486,918
1896	20,330	2,114,103	422,820
Total	160,006	18,063,945	3,611,683

Reimbursements asked by telegraph and authorized by mail.

Years.	Number of authorizations.	Amount of authorizations.	
		Francs.	United States equivalent.
1884	115	57,472	$11,548
1885	223	145,261	29,052
1886	300	151,703	30,340
1887	286	149,376	29,875
1888	524	284,803	56,960
1889	577	306,797	61,269
1890	748	445,588	89,117
1891	856	483,789	96,757
1892	839	426,690	85,338
1893	1,200	544,468	108,893
1894	1,041	492,225	98,445
1895	935	413,171	82,632
1896	882	311,121	62,224
Total	8,526	4,212,734	842,540

DEPOSITS IN THE NATIONAL FUND OF PENSIONS FOR OLD AGE.

The depositor who desires to convert his savings into deposits to the national fund for pensions has only to formulate a demand for ordinary reimbursement. The amount of the correspondent authorization, instead of being paid to the party, is turned over for his account and, through the care of the postmasters, to the national fund for pensions for old age.

INTERNATIONAL SERVICE.

By virtue of an arrangement concluded on May 30, 1882, between Belgium and France, the depositors in the National Savings Bank who remove to Belgium may obtain, without expense, the transfer of their account to the Belgian Savings and Pension Bank, and the same priv-

ileges are assured in France to the persons having pass books issued by the Belgian Savings and Pension Bank.

Résumé of the operations of the National Savings Bank from January 1, 1882, to December 31, 1896.

Number of deposits		26,049,538
Amount of deposits ($692,932,434)	francs..	3,464,672,171
Number of repayments		10,587,503
Amount of repayments ($551,454,137)	francs..	2,757,270,687
Amount of purchases of State securities ($14,196,268)	do....	70,981,341
Excess of deposits over reimbursements and over the purchases of State securities	francs..	636,420,143
Amount of interest paid depositors ($29,718,519)	do....	148,592,599
Situation on December 31, 1896:		
Number of depositors		2,686,730
Amount to the credit of depositors ($156,950,041)	francs..	784,750,207
Active capital of the National Savings Bank ($158,313,625)	do....	791,568,134

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES, TRANSMITTING, IN FURTHER RESPONSE TO RESOLUTION OF THE SENATE OF JULY 12, 1897, COMMUNICATION FROM THE SECRETARY OF STATE, WITH ADDITIONAL REPORTS FROM DIPLOMATIC AND CONSULAR OFFICERS OF THE UNITED STATES, IN REGARD TO THE NATURE AND PRACTICAL WORKINGS OF THE POSTAL TELEGRAPHS, TELEPHONES, AND SAVINGS BANKS OF FOREIGN COUNTRIES.

To the Senate:

In connection with Senate Document No. 39, Fifty-fifth Congress, second session, I transmit herewith additional reports from diplomatic and consular officers of the United States in regard to the postal telegraphs, telephones, and postal savings banks of foreign countries.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, February 14, 1898.

The PRESIDENT:

In further response to the resolution of the Senate of July 12, 1897, the undersigned, Secretary of State, has the honor to lay before the President, with a view to their transmission to that body, reports from the diplomatic and consular representatives of the United States touching the nature and practical working of the postal telegraphs, telephones, and postal savings banks of foreign countries, in addition to those forwarded to the Senate on December 18, 1897, and referred to in Senate Document No. 39, Fifty-fifth Congress, second session.

Respectfully submitted.

JOHN SHERMAN.

DEPARTMENT OF STATE,
Washington, February 11, 1898.

GERMANY—(Additional).

Mr. Bouchsein to Mr. Day.

UNITED STATES CONSULATE,
Barmen, November 19, 1897.

SIR: I have the honor to hand you herewith a report named "Postal savings banks in Germany," and to be, sir, your obedient servant,

MAX BOUCHSEIN,
United States Consul.

POSTAL SAVINGS BANKS IN GERMANY.

The merits of postal savings banks are of such great importance that it is, no doubt, advisable for the American Government to consider the establishment of such institutions.

Postal savings banks are already established in Austria-Hungary, Switzerland, and Belgium, and enjoy the greatest confidence of all concerned.

As early as in 1885 the German Reichstag, through a well-framed law, intended to establish postal savings banks in Germany, but owing to the influence of the city savings banks, which latter banks are established in almost every village throughout Germany under the control of the municipal authorities, the new system of savings banks was defeated and failed to become a law. Some two or three years ago some well-meaning member of the German Reichstag, who had the interest of the middle and poorer class at heart, again introduced a bill for the establishment of postal savings banks. This time the bill would have passed had it not been for the late Postmaster-General von Stephan, who agitated against the passage of the bill, claiming that the establishment of such institutions would be too great a burden to the already overworked employees of the postal service. The authorities, however, consider at present earnestly the establishment of postal savings banks.

The principal features and benefits which the public will derive out of the proposed system of savings banks are:

The Government is directly responsible to the depositors.

Every post-office would be a savings bank at the same time.

Owing to the easy access and longer business hours of the post-offices (mainly in the smaller towns), the wage-earner would not interfere with his daily labor in making his regular deposits.

Whereas city savings banks and private banks require an original deposit of from 50 to 100 marks ($12.50 to $25) before opening an account with the depositor, the proposed system will accept as an original deposit 1 mark (25 cents).

In this latter clause is a great advantage, as the average workman will not miss the 1 mark so deposited, while it would be very difficult for him to save the large amount which the other savings banks require as an original deposit. In case of a removal of the depositor from one town to another he may continue to deposit his savings at the post-office of his new residence, while on the other hand he would have to notify his savings bank of the withdrawal of his account before being able to open a new account with a bank in his new place of residence; or, as it has been in great many cases, the depositor after getting hold of his

savings of several years would invest or spend the money in some foolish way.

The postal savings banks will pay the depositor money against his receipt at any time, as there are always sufficient funds in the post-office, new entries being received daily. A settlement may be made with the general post-office, perhaps at the end of each month or each quarter.

In order that the post-office department would not be obliged to handle too large sums of money, State bonds may be issued, thus making the State the responsible party to the depositor.

The foregoing will readily prove the many advantages postal savings banks would offer to our American people. The establishment of such institutions can not be warmly enough recommended.

MAX BOUCHSEIN,
United States Consul.

BRAZIL.

Mr. Conger to the Secretary of State.

LEGATION OF THE UNITED STATES,
Petropolis, December 8, 1897.

SIR: Pursuant to instructions contained in Department circular dated July 17, 1897, I have the honor to transmit herewith such information as I have been able to obtain as to the "nature and practical workings of the postal telegraphs, telephones, and postal savings banks" of Brazil.

The information is contained in a document furnished me by the department of telegraphs, answering seriatim the questions of the Department circular. I inclose copy and translation of this document.

It will be observed that the telegraphs are owned and operated by the Government, and at an annual deficit of about 50 per cent, but of course in this deficit must be included all the public official telegraphic service, which pays nothing. I should also add that this service, like the service on the Government railroads, is neither profitable to the Government nor satisfactory to the public; and the main reason is because extravagantly dispersed political patronage, instead of efficiency and economy of service, seems to have been too often the object sought.

I have, etc., E. H. CONGER.

GENERAL DEPARTMENT OF TELEGRAPHS,
No. 266, Technical Section, November 8, 1897.

To the DIRECTOR-GENERAL:

Concerning the information requested in the circular from the American legation, which accompanied the official note No. 29, of September 29 last, from the minister of foreign relations, this directory is obliged to state that there are no postal telegraphs, telephones, or postal savings banks in Brazil; hence the questions in the aforesaid circular from 1 to 8 are left unanswered. As to those from 9 to 21, this directory answers as follows:

9. The telegraphs in Brazil are owned by the Federal Government. The states of São Paulo and Rio Grande do Sul only have some telegraph lines of very small extent.

As to telephones, they are owned by private companies. The Federal Government, however, possesses a system in the federal capital which connects the public departments, being under the charge of the general department of telegraphs.

11 and 12. The telegraphs were constructed by the Brazilian Government.

13. At the end of the year 1896 the Brazilian lines amounted to 20,966 kilometers (12,580 miles), with a total length of conducting wires of 40,104 kilometers (24,062 miles).

14. The average cost of 1 kilometer of telegraph line, with one wire, is $450, at exchange of 24 pence ($225) = $375 a mile.

15. There is not practiced as yet in Brazil the selling of telegraphic stamps, although there exists a provision of law authorizing it.

16. The tax is collected upon each word, including the address and signature, in accordance with the rules and regulations of the international telegraphic convention.

17. There is no restriction as to the number of words that may constitute a telegram.

18. The present internal rate consists of a fixed tax of 400 reis (20 cents) for each telegram, and a variable one of 60 reis (3 cents) per word for each state through which the telegram passes.

19. In the interior service press telegrams enjoy a reduction of 75 per cent of the variable tax.

20. The average number of words transmitted daily for the press is 10,000.

21. The receipts of the telegraphs for the year 1896 were 4,142,271 milreis, about $2,000,000, and the expenses about 9,000,000 milreis, or about $4,500,000.

LEOPOLDO T. WEISS.

GERMANY—(Additional).

REPORT BY THE UNITED STATES CONSUL AT CHEMNITZ.

UNITED STATES CONSULATE,
Chemnitz, November 24, 1897.

POSTAL SAVINGS BANKS IN ENGLAND AND OTHER COUNTRIES.

Germany is seeking salvation for her agricultural population. It is eagerly asking for special legislation. It is the only part of the Empire that has been touched by the cheap-money disease. To meet these demands postal savings banks are being urged. Opposition to these is more than likely to be defeated. Triumph after triumph has been put down to the credit of the postal savings banks of England, Italy, Austria, Hungary, Russia, Belgium, Roumania, Sweden, Holland, Portugal, Egypt, Japan, Canada, Cape Colony, Australia, India, Bahama Islands, Ceylon, Sierra Leone, British Guinea, and the Sandwich Islands. They have helped, as have hardly any other factors, to make people frugal and to make money easy and cheap. It is hardly necessary to point out the need of such systems. In no nation is the need greater than here and in the United States. Their benefits are so many, their success so certain, that no nation that has tried them has given them up. Germany, like the United States, has hesitated too long in taking up a system that has proven a blessing in so many other coun-

tries. Private, commercial, and State (national) savings banks, while working wonders in their own way, offer nothing that can compare with the work done in other countries by carefully regulated, intelligently organized, and successfully conducted postal savings institutions.

THE ENGLISH SYSTEM.

The English system has been so very successful, it offers so much that must commend it to merchants and manufacturers, as well as to workingmen and workingwomen, that German writers are unfolding its methods in financial and technical papers. Its growth is a financial phenomenon unprecedented in the history of money manipulations. If one passes over an abortive movement in 1807, and an article in the Quarterly Review some time during 1827, he will find the foundation of the English system in 1859. A Mr. Sykes, supported by Mr. Gladstone and Sir Rowland Hill, took the matter up and succeeded in getting a bill before Parliament February 8, 1861. In May the bill became a law, and September of the same year saw the system in operation. The best point in the English system is the fact that payments, i. e., deposits and drafts, may be made in and on different post-offices; that deposits from 1 to 600 shillings (25 cents to $150) may be made annually by each depositor; that these may increase till the deposit of one person reaches 3,000 shillings ($750); and in the further very important fact that the Government guarantees 2½ per cent interest on all deposits up to 3,000 shillings ($750).

RESULTS, POPULARITY.

During the first three months 180,000 deposit books were issued; and up to 1880 the increase was continuous, as the following table shows:

Years.	Average number of depositors.	Average amount of deposits.		Per book.		Number of officials.
				£ s. d.		
1863-1868	663,000	£7,000,000	$35,000,000	11 1 6	$55.36	3,390
1869-1874	1,373,000	18,000,000	90,000,000	13 1 4	65.32	4,498
1875-1880	1,889,000	29,000,000	145,000,000	15 5 8	76.40	5,742

During Postmaster-General Fawcett's term of office the postal savings bank system was pushed out into the smallest villages. People were not only allowed to put in pennies, but were urged to do so. The penny savings system seemed as popular as had been the penny post. Hence the following figures:

Years.	Average number of depositors.	Average amount of deposits.		Per book.		Number of officials.
				£ s. d.		
1881-1885	3,088,000	£42,000,000	$210,000,000	13 1 2	$65.30	7,348
1886-1890	4,248,000	59,000,000	295,000,000	13 3 4	65.84	9,025

In 1891 the maximum, free of interest, was raised to 4,000 shillings ($1,000). In 1892 postal savings were taken at the elementary schools—800,000 shillings ($200,000) during the first year. In December, 1893, the maximum amount any person was permitted to put in was raised from 600 shillings ($150) to 1,000 shillings ($250), and toward December 31

the right to obtain payments by telegraph was granted. It would be very strange if so liberal and elastic a system had not succeeded. The following table tells how popular the postal banks were:

Years.	Average number of depositors.	Average amount of deposits.		Per book.				Number of officials.
				£	s.	d.		
1891-1894	5,607,000	£79,000,000	$395,000,000	14	1	8	$70.40	10,730
1895	6,454,000	98,000,000	490,000,000	15	1	6	75.36	11,518
1896	6,866,000	108,000,000	540,000,000	15	3	4	75.84	11,867

The year 1896 was a record year. December 31, 1895, the 6,454,000 depositors had £98,000,000 ($490,000,000) on deposit; in 1896 there were 12,638,300 deposits, covering £36,258,350 ($181,291,750), 4,367,594 withdrawals or drafts, covering £28,489,329 ($142,446,645), leaving £4,769,021 ($23,845,105), plus £2,460,645 ($12,303,225) interest to swell the total deposit to £108,098,641 ($540,493,205). The number of deposits daily went up to 41,033, paying in £117,721 ($588,605), and 14,180 drafts, covering £92,497 ($462,485). The largest number of payments in one day were made February 29, 1896, and ran up to 91,571, and the largest amount deposited during any one day was £303,125 ($1,515,625) on December 31, 1896. On December 16, 1896, the largest amount ever paid out or demanded was recorded, viz, £166,285 ($831,425); and the greatest "rush" on the banks was made December 22, 1896 (for Christmas), 40,128 persons.

WHO SAVE.

To the political economist no knowledge is complete that halts halfway. It is best to find out who save and, if possible, how or why they save. In 1896 an effort was made to find out who saved. The results gave 18 per cent factory or industrial laborers, 8 per cent storekeepers, 8 per cent servants, 4 per cent merchants, 3 per cent officials, and more than 50 per cent married women, widows, and children.

Of the deposits 36 per cent were under £50 ($250), 24 per cent between £50 and £100 ($250 and $500), 17 per cent, £150 ($750); 15 per cent, £150 to £200 ($750 to $1,000) and 7 per cent above £200 ($1,000). In England every fifth person was a depositor, in Ireland and Scotland every fifteenth; the average in Great Britain was every sixth. The postal savings banks have a clientage that the private banks never reached and would never reach or know in a million years. This is why the postal savings banks are not only popular, but it explains why and how their deposits are more than double those of their rivals, viz, £108,000,000 ($540,000,000) against £48,000,000 ($240,000,000). The private banks have increased only £6,000,000 ($30,000,000) since 1859, the year in which the postal savings banks were organized.

WORK AND LOSSES.

In the thirty-six years since 1859 the postal banks have turned over 16,000,000,000 shillings, or $4,000,000,000, and lost only 200,000 shillings, or $50,000—0.00125 of 1 per cent—by defalcation or dishonesty, and up to 1896, after paying 2½ per cent interest and all expenses, turned into the Royal treasury a very considerable surplus. Since 1896, because Government compelled deposits to be laid out in "consols,"

and by absorbing 25 per cent of the "consol" supply, and because consols for these and other reasons grew dear, a deficit of some thousands of pounds had to be recorded. An amendment or a repeal of the law compelling the purchase of consols will remove the existing evil. How much a system like England's must mean for Germany or the United States appears when one compares the deposits in England's postal banks—2,000,000,000 shillings ($400,000,000)—against 920,000,000 shillings ($184,000,000) in the private savings banks, and remembers that Prussia's private banks have 4,000,000,000 marks (1,000,000,000) piled up. An imperial postal savings bank would win for trade the millions that never find their way into rapid circulation because there is no place for deposit and no reason for making a deposit. Surely a people so eager to make every moment of time count and to put every penny to the best advantage will welcome a system that is successful wherever it has been tried.

I am, sir, your obedient servant,

J. C. MONAGHAN,
Consul.

GREAT BRITAIN—(Additional).

REPORT OF THE UNITED STATES CONSUL AT DUBLIN.

POST-OFFICE SAVINGS BANK.

The postmaster-general has recently issued a return on the work of the post-office for the year ended March 31, 1897. The Irish Financial Review "L. S. D.," has in the issue for November an excellent review of the postmaster-general's report in reference to postal savings banks. I will not attempt to follow the article in its order, but think that some selections may be found of interest.

Operations commenced in 1861, and by the end of 1862 nearly 180,000 accounts were opened. Since that time the growth of the system is shown in the following table of statistics, showing the average for the year periods ended the years given:

Years.	Average number of accounts.	Average amount of deposits.		Average balance in each account.		Average number of offices.
				£ s. d.		
1863-1868	663,000	£7,000,000	$35,000,000	11 3 5	$55.85	3,390
1869-1874	1,373,000	18,000,000	90,000,000	13 5 3	56.30	4,498
1875-1880	1,889,000	29,000,000	145,000,000	15 12 5	78.10	5,742
1881-1885	3,088,000	42,000,000	210,000,000	13 11 3	67.81	7,348
1886-1890	4,248,000	59,000,000	295,000,000	13 16 10	68.45	9,025
1891-1894	5,607,000	79,000,000	395,000,000	14 2 11	70.73	10,730
1895	6,454,000	98,000,000	490,000,000	15 3 4	75.83	11,518
1896	6,866,000	108,000,000	540,000,000	15 14 11	78.00	11,867

Mr. Fawcett was responsible for a large extension of savings bank offices, and for the system dating from September, 1880, of making small deposits by slips of postage stamps. The latter scheme was provided to meet the demand for a minimum limit of deposit lower than the shilling, which was prescribed by Parliament.

In less than three months it was in operation over the whole country, and by the end of March, 1881, over 576,000 slips had been received

and more than 223,000 new accounts had been opened thereby. For last year the figures show that about 1,750,000 slips were received, representing deposits of £95,000 ($475,000).

After the free-education act was passed in 1891 there arose a striking development in the savings banks.

The Government endeavored to encourage parents to save the pence they were no longer required to pay for the schools. The assistance of school managers was enlisted in various ways, and clerks from post-offices attended the schools to receive deposits. A sum of £40,000 ($200,000) was collected during the first year, but the interest and support which the arrangement so rapidly gained have now exhibited signs of having spent their force.

For the year ended December 31, 1896, the amount due to depositors was £108,098,641 ($540,493,205), and the number of accounts had increased to 408,438 in the twelve months. The number of lodgments for the year was 12,638,307, with an aggregate deposit of £36,258,350 ($181,291,750), the average deposit being £2 17s. 5d. ($14.30). The withdrawals amounted to over 4,000,000, and aggregated over £28,000,000 ($140,000,000). The aggregate deposits increased £7,769,021 ($38,845,155) over the previous year. The daily average of the lodgments was over 41,000, and the daily average withdrawals over 14,000. The average cost of each transaction was 6d. (12½ cents), and the cost per cent upon the total amount to the depositors' credit was 7s. 11¼d. ($2), as compared with 8s. 5½d. ($2.12) in 1895.

As the result of an effort made to make classification of the accounts, to determine what classes of the community chiefly used the savings bank, it was found that 60½ per cent of the whole were women and children; but there is nothing to show how far these represented others, and hence the result could not be regarded as conclusive.

Domestic servants were 8.61 per cent in number; and 36.1 per cent in amount of the depositors had balances not exceeding £50 ($250). The proportion of depositors to population were in England and Wales 1 in 5, in Scotland 1 in 15, and in Ireland 1 in 15. The average amount to the credit of each depositor in the above divisions were for England and Wales £15 14s. ($78.50), for Scotland £12 ($60), for Ireland £20 17s. 7d. ($104.40).

In reference to the cost of working, "L. S. D." says:

> We have already mentioned that 6d. (12½ cents) was the average expense attendant upon each transaction in the year. This represents a praiseworthy attempt to effect economies in the management, as in other years the average cost has been 7d. (14 cents). We may here observe that the only authoritative estimates we have ever seen made by the joint-stock banks placed the average expense of their transactions at 6d. (12½ cents) also, and it is a fact that strikes us as curious that the post-office estimates now work out at precisely the same figure. Notwithstanding the reduction in expenses, however, the State had last year to bear a loss upon the working of the Government system of banking, and a sum of £3,791 ($18,955) was voted accordingly by Parliament.
>
> From the balance sheet of the post-office banks we find that there was, in addition to this deficit, an item of over £32,000 ($160,000) outstanding for unpaid expenses. This is the first occasion in the history of the banks that a loss has occurred; and, of course the contributing cause is mainly the rise in price of consols to a figure that yields but a small return upon the investments of the bank funds, while the payment of interest at the rate of 2½ per cent per annum is being continued to depositors. With these conditions operating it seems to us a matter for congratulation that the loss is not larger; but it is obvious that, as the deposits increase the deficit must also increase, and therefore it is not expected that the Government can long continue to compete on present terms with the joint-stock banks.

The withdrawals of deposits by telegraph is allowed, and the system has grown until the greater share of the withdrawals are made in this manner. The withdrawals by telegraph in 1896 reached a total of

102,553 in number, the largest total in one day being 924 on December 24; and the use to which the telegraph is being put for withdrawals begins to be a serious question, as the result will require a larger holding of notes and coin upon the part of the Government to meet these sudden demands, and these demands have to be met at about 12,000 offices. It appears that for the time during the operation of the postal savings bank, and in transactions reaching to 800,000,000 pounds sterling ($4,000,000,000), the loss by fraud, default, or accident has been but £10,000 ($50,000). This loss was met by the State, and did not fall upon the depositors.

Dublin, December 23, 1897.

NEWTON B. ASHBY,
United States Consul.

JAPAN—(Additional).

Mr. Buck to the Secretary of State.

LEGATION OF THE UNITED STATES,
Tokyo, December 17, 1897.

SIR: Referring to my dispatch No. 52, of date November 9 last, transmitting a report on the telegraphs, telephones, and postal savings banks of Japan, I have the honor to inclose herewith a translation copy of the revised regulations of the telephone exchanges, promulgated by the minister of state for communications on the 1st instant.

I have, etc.

A. E. BUCK.

The regulations differ but little from those established in other countries. The telephone charges are as follows:

I. Fees for registration and use of telephone:

(*a*) Registration: In Tokyo and Osaka, 15 yen (dollars); in Kyoto, Yokohama, Kobe, and Nagoya, 10 yen; in Sakai, 5 yen.

(*b*) Use of telephone: In Tokyo and Osaka 66 yen; in Kyoto, Yokohama, Kobe, and Nagoya, 54 yen; in Sakai, 48 yen.

II. Fees for extra equipment:

(*a*) Special subscriptions: For every cho (500 feet) n a special district an annual charge of $2 shall be made, the distance to be measured by the shortest route.

(*b*) Desk telephones: $6 per annum, each.

(*c*) Additional telephones, $12 per annum, each; additional desk telephones, $18; additional bells, $3.

III. Telephone charges:

(*a*) For one period of conversation, in the same district, 10 sen (cents).

(*b*) Between Tokyo and Yokohama, Osaka and Kyoto, Sakai and Kyoto, Osaka and Kobe, Sakai and Kobe, 20 sen; between Kyoto and Kobe, 25 sen; Osaka and Sakai, 15 sen.

IV. Charges for connection: For each cho (500 feet) in a special district, to be measured from the nearest point and by the shortest route, $10.

V. Charges for moving apparatus:

(*a*) On the same premises	$2
(*b*) Bells, etc	1
(*c*) To other premises	15

Regulations for the receipt and dispatch of telegrams by telephone are fixed as follows:

SECTION 1. Any subscriber, upon making previous application to certain postal telegraph offices or telegraph offices specially determined, may use his telephone for the receipt or dispatch of telegrams.

SEC. 2. Telegrams sent or received by telephone shall be limited to local Japanese telegrams, written in common language or ordinary abbreviations.

SEC. 3. A fee of 5 sen (cents), payable in postage stamps, will be charged for each telegram received or dispatched by telephone.

SEC. 4. The telegraph charges for telegrams received or dispatched by telephone shall be paid monthly in currency at the time and place specified by the postal telegraph office or telegraph office specially designated in accordance with the provisions of section 1.

SEC. 5. Any subscriber who shall fail to pay the fees as provided in the previous section shall be deprived of the privilege of receiving and sending telegrams in accordance with these regulations.

PERSIA.

Mr. Tyler to Mr. Day.

LEGATION OF THE UNITED STATES,
Teheran, Persia, September 29, 1897.

SIR: I have the honor to acknowledge the receipt of your circular, dated July 17, 1897, addressed to Mr. McDonald, calling for information regarding postal telegraphs, telephones, and postal savings banks in Persia, and in reply beg to forward a report on the two first subjects. There being nothing whatever to answer to the last denomination in this country, I have nothing to say in that respect.

I have, etc.,

JOHN TYLER,
Vice-Consul-General in Charge.

TELEGRAPHS AND TELEPHONES IN PERSIA.

The circular of the Department of State instructs this legation to furnish a report as to the nature and practical workings of the postal telegraphs and telephones and postal savings banks in Persia.

As nothing whatever exists in this country which can be brought under the denomination of postal savings banks, or even of private institutions devoted to the encouragement of thrift among the working classes, I can not, I regret to state, supply any information on that subject.

The first telegraph line in Persia was erected about thirty-six years ago, and in the beginning was vigorously denounced and opposed by the priests as being a species of magic and closely allied to other evil principles greatly subversive of religion and the best interests of the state, and as such ought not to be permitted to have a place in the economy of government. This opposition, however, was overcome, and it will be seen further on that the class which resisted so stoutly at the first now use the telegraph with the most complacent indifference.

In the year 1862 the construction of a telegraph line from India to England, through Persia, Russia, and Germany, was commenced, and completed and begun working on the 1st of January, 1870. Some work had, however, for three or four years been carried on by a line through the Euphrates Valley; but this was not by any means of a satisfactory character, and serious errors, delays, and interruptions on

the lines and in the messages occurred. This line is still used occasionally, but the working through Turkey can not be depended upon.

The Indo-European, as the line now passing through Persia is called, is the joint property of the Indian government and a London company. The meeting point of their respective administrations is Teheran, the eastern division belonging to the government and the western to the company. It is generally considered to be a well-constructed and efficiently managed line. From Bushire to Kurachi there is both a cable and a land line. It is worked throughout by English operators. I mention this line because it provides the local native administration with one wire, which, so far as internal traffic is concerned, is the only one that can be depended upon.

The local lines, with the exception of the one wire mentioned above, are the property of the Persian Government. The ownership was acquired by the cost of construction and has been maintained by defraying the expenses of preservation. The actual administration is deputed to one man, who, until about two months ago, contributed to the Government 12,000 tomans ($12,000) a year. This royalty has now been raised to 30,000 tomans ($30,000) a year, but I am told that the balance of receipts over expenditures will hardly be sufficient to meet the increase.

As Persians are very indifferent bookkeepers, and do not always study with care the relation between outlay and income, I regret to state that the record of telegraph construction has been no exception to that rule. I have, therefore, not been able to ascertain from any source what has been the actual cost of the erection of the lines. The configuration of the land surface and the state of the population, generally scant, would modify considerably the cost of construction. The poles, wire, and all accessories for work have to be transported by mules and camels, which entails considerable expense. The lines being subject to many accidents and the inspection and control very indifferent, the working is by no means satisfactory.

The yearly receipts of the telegraphs have been about 60,000 tomans ($60,000). As no new lines have been erected for some years past, the above is probably a fair average. I must, however, remark here that when any department of the Government revenue depends upon the system of farming the income of the parties interested is always made to appear as low as possible, in order to prevent an increase in the Government's demand.

The expenditure, including the late rise in the revenue payable to the Government, will, I am told by the controller, equal, if not exceed, the income. They are therefore attempting some reforms which certainly seem to be needed, especially in the direction of the compulsory payments. I am informed that fully 50 per cent of the telegrams are sent gratis. Officials of the governments, central and local, priests, expounders of the law, relatives of persons connected with the working and administration, and every one who can provide himself with a reason or an excuse, send their telegrams free of expense. As this system has been growing for many years past, and most of those who have benefited by it are in positions to give trouble, the management find it difficult to introduce changes necessary for their own protection.

The Persian local system comprises about 5,100 miles of wire, and 86 offices for the receipt and dispatch of messages. The wire provided by the Indo-European administration, gratis, is about 1,300 miles long, and extends from the Persian Gulf to the Russian frontier.

Stamps are not used for any purpose in Persia except for letters. Even documents of great value and importance give no indication of the cost of registration or other legal formality.

Messages are restricted to 10 words at a charge of 2½ krans (25 cents). The actual charge for the message is 2 krans (20 cents), and the half kran is for the paper on which it is written. In case the mes sage extends to a large number of words it is calculated at the rate of 10 words to the 2 krans (20 cents), and not 2½ krans (25 cents).

The tariff above mentioned is the same for any distance, great or small, in Persia; there is only one charge. I find that the administration does not tabulate any department of the work; consequently they have no idea of the number of words or the general or average distance the messages are sent.

The Persian newspapers rarely contain information of sufficient importance to be sent by telegraph; consequently there is no press rate, and very few, indeed, press messages.

There are four newspapers in Persia, printed in the vernacular and under Government control. These should be issued once a fortnight, but they are often issued at longer intervals. They are in no sense considered as leaders or exponents of the ideas or feelings of the people, and I am afraid they are hardly accorded the importance they desire and deserve to attain.

It would be utterly impossible to estimate what is the actual value of the work performed by the Persian telegraphs in the course of a year. I am told that more than 50 per cent of Government work is never paid for; and it has been already shown what numbers and various people use the lines free of expense.

The late minister of telegraphs, who died a short time ago, and had been charged with the management from the introduction of lines into the country, was a man of a benevolent disposition and easy-going character, and in order to keep free of opposition allowed those who had the power to injure his position to use his department for their advantage. Another order of things has sprung up, and his eldest son, who has been confirmed in his place, finds it difficult to make both ends meet.

TELEPHONES.

The late Nasr-ed-Din, Shah, on the 8th of December, 1889, granted to the then minister for foreign affairs a concession for electric lighting, the introduction of telephones, phonographs, and the application of electricity to industrial purposes to the whole of Persia, with protection to the monopoly for the period of sixty years. This concession was transferred to Dr. W. W. Torrence, an American citizen, for a certain valuable consideration; but from want of means the purposes of the concession have not been put into execution.

In order to protect the concession from lapsing two or three wires were put up and kept in a workable state, and are now in use.

Five years ago the Railway and Tramway Company commenced erecting private wires for anyone who would undertake the expense, and established an exchange office on their own premises in Teheran. It has not been extended to any other town. So far no record has been kept of the number of miles of wire erected, but from my observations I should say not more than 50 miles; that is, including the wires into villages of summer resort and those to different parts of the city.

At the present time there are fifteen owners of private wires, each of

whom pays the company $2 per month for keeping the wire in repair and the instruments in order.

The receipts about balance the expenditure, but this includes the free use of the lines by the company, who provide the only office there is in the city, and two in the country, during the summer months.

As messages are not received from the public, no tariff has been formulated. Subscribers are put into communication and use the telephones as long as they wish.

The cost of construction has been about 390 tomans per kilometer ($650 per mile).

As a more extended use of the telephone would interfere with the receipts of the telegraphs, permission to use it has not been granted to distances appropriated by the telegraphs.

JOHN TYLER,
Vice-Consul-General in Charge.

TEHERAN, PERSIA, *September 29, 1897.*

P. S.—I omitted to mention in the body of the report that no laws or regulations have been issued by the Government in connection with the telegraphs or telephones.

EL SALVADOR.

Mr. Baker to the Secretary of State.

LEGATION OF THE UNITED STATES,
San Jose, Costa Rica, December 28, 1897.

SIR: Referring to your circular of July 17, last, calling for certain information in regard to the nature and workings of the telegraphs, telephones, and postal savings banks of the countries to which this legation is accredited, I herewith inclose the report just received from our consul at San Salvador, together with the inclosures transmitted with said report.

I have, etc.,

JOHN F. BAKER,
Chargé d'Affaires ad interim.

CONSULATE OF THE UNITED STATES,
San Salvador, December 7, 1897.

Hon. LEWIS BAKER,
Minister Plenipotentiary and Envoy Extraordinary,
Managua, Nicaragua.

SIR: I beg leave to remit such answers as had been made in regard to the queries in circular 7-19-97 of the Department of State. The delay was caused by the Government of Salvador in not giving me the information sought.

I would state or give my answers in numerical order.

1. Inclosed find laws as to postal telegraph and telephone.

2. There is no postal savings, and the other savings banks are of that character that allows seed to grow, but no interest on planted capital.

3, 4. See No. 2.

5, 6, 7, 8. Same answer as No. 4.

No. 9 and other questions are answered in the communications herewith attached.

I may say that what information is received is the result of what the Government can afford to give, and might be deemed as unfair to reveal its peculiar methods of doing business.

I have, etc.,

JOHN JENKINS,
United States Consul.

EXECUTIVE PALACE,
San Salvador, December 3, 1897.

Mr. JOHN JENKINS,
United States Consulate.

SIR: In reply to your letter dated 25th October, last, I have the honor to transcribe the Report of the Director-General of the Department as follows: I have the honor to inform the minister concerning the data to which the letter of the United States consul refers, and to remit to him herewith the Regulations of Telegraphs and Telephones, in which the consul will find his questions answered. The telegraphic and telephonic service is national, and therefore free to the Government.

Questions 4 and 5 are answered by 101 and 102 of the Telegraphic Regulations, and by decree of 27th of July of last year, No. 176, Diario Official, relating to telephones.

The press has free use of the telephones only, and of the words which are used in telegraphs there are no records.

The annual profits of both services are about $138,000.

With the greatest consideration and appreciation, I am, your obedient servant,

JOAQUIN BONILLA,
Secretary.

TRANSLATION OF DECREES REGARDING NATIONAL TELEPHONE SERVICE OF SALVADOR.

PALACE OF THE EXECUTIVE,
San Salvador, 25 de Julio de 1897.

The executive power, in the desire to improve the national telephone service and to make the takings of the same to correspond somewhat with the disbursements, decrees:

Articles 41, 42, and 43 of the regulations of 1st March, 1894, published on the 14th of same month, are reformed as follows:

ART. 41. The subscribers or hirers shall pay ten pesos ($10) for the fixing of the apparatus when this is within the area of the towns, and twenty pesos ($20) for those fixed outside, without prejudice to any other expenses which may be incurred in various cases.

The monthly rent shall be paid in advance, or when the instrument is fixed; otherwise it will be taken away within the mouth.

ART. 42. For connections which may be made for subscribers or hirers the charge shall be twenty centavos (20 cents) for each connection of two minutes or fraction of two minutes, when speaking through their apparatus to another or distant village or place removed from it, or vice versa, and five centavos (5 cents) for each connection of the same duration of time for speaking within the town.

Connections which subscribers ask for in order to speak outside the town in public apparatuses or others which are not their property shall be paid for at same rates as public rates.

ART. 43. The public or nonsubscribers who wish to speak in a public apparatus shall pay twenty centavos (20 cents) for a connection of two minutes or fraction, within the radius of the town; thirty-five centavos (35 cents) for speaking outside the radius of the town, if the communication is made directly with a subscriber's instrument, and fifty centavos (50 cents) if the office has to call the person with whom they wish to speak; that is to say, by means of a telegram or by other means.

SIAM.

Mr. Barrett to the Secretary of State.

LEGATION OF THE UNITED STATES,
Bangkok, December 18, 1897.

SIR: Replying to the Department circular of July 17, 1897, requesting certain information in regard to telegraphs, etc., I beg to say that I am able to make reply thereto for the first time to-day.

Yesterday I received from the foreign minister the only information that is forthcoming on the subject, and I hasten to inclose copies of a letter from the foreign minister, a report of the acting director-general of telegraphs addressed to his chief, and to send by separate cover four printed documents relating to the telegraphs, the only ones procurable published in England.

The specific answers to the Department's queries are found in the report of the acting director-general of telegraphs.

While regretting the delay in forwarding this data, I beg to state that such delay was beyond my control.

I have, etc.,

JOHN BARRETT,
Minister Resident.

Prince Devawongse to Mr. Barrett.

FOREIGN OFFICE, *December 17, 1897.*

Monsieur le MINISTRE: Referring to your note dated the 23d of October last, by which you request information in response to a circular from the Department of State containing queries on the practical working of the postal telegraph, telephones, and postal savings banks, I now have the honor to state that I have just received the information in question, and copies of the telegraph laws and regulations, which I have the honor to here inclose, for the information of the United States Government.

I avail myself of this occasion to express to you, Monsieur le Ministre, the assurance of my high consideration.

DEVAWONGSE,
Minister for Foreign Affairs.

ROYAL SIAMESE TELEGRAPH DEPARTMENT,
Bangkok, November 15, 1897.

To His Royal Highness,
The MINISTER OF POSTS AND TELEGRAPHS, *Siam.*

May it please your royal highness: Replying to inquiry (embodied in a circular of the Department of State of the United States dated July 17, 1897) from the Hon. John Barrett, American minister, respecting the working of this department, I have the honor to report as follows:

1. Copies of all existing regulations are herewith inclosed. They refer to telegraphs and telephones.
2. There are no savings banks.
3, 4, 5, 6, 7, and 8 are answered by the foregoing.

9. The Government owns all telegraphs and telephones in Siam; began building telegraphs in 1874 and has since constantly added thereto.

10 and 11 are answered by the foregoing.

12. The receipts from 1st April, 1896, to 31st March, 1897, were 192,967 ticals 46 atts ($65,000 gold), and the expenses 232,225 ticals 30 atts ($75,000 gold) for the telegraphs; and receipts for telephones 14,229 ticals 26 atts ($5,600 gold), and expenses 20,767 ticals 40 atts ($6,500 gold) for the same period.

13. There are now 47 telegraph offices and 4,958 miles of wire in operation.

14. Never was in private hands.

15. Does not sell stamps at present. Such course is, however, contemplated.

16. Answered by foregoing

17. Telegraphic correspondence is limited to 500 words at a time; telephonic is practically unlimited. The charges for telegrams, foreign messages, are laid down by the international convention; and inland telegrams are charged, 10 words, one-half tical (11 cents gold), and every exceeding word 4 atts (cents silver). Telephone subscription is 10 ticals ($3.33⅓ gold) per month for day service and 1 tical extra for night service. With the public telephones the cost of conversation is 16 atts (5½ cents gold) for five minutes.

18. Already replied to by answer No. 17.

19. Press rates for India and England are one-third of the ordinary rate; other countries have no similar arrangement.

20. The average number of words received as press telegrams are about 50 a day; those sent practically nil.

21. Is disposed of by reply No. 12.

I have the honor to be, your royal highness' obedient servant,

D'SILVA,
Acting Director-General of Telegraphs.

SWEDEN AND NORWAY.

Mr. Ferguson to the Secretary of State.

LEGATION OF THE UNITED STATES,
Stockholm, January 6, 1898.

TELEPHONES.

SIR: On receipt of circular instructions dated July 17, 1897, I applied to the foreign office for the information desired and at the same time, as I expected to go on leave of absence, I requested Consul Winslow to make a report on the telephone system of Sweden and Norway, and suggested that it could readily be published in the Consular Reports if the Department should see fit to do so. I have the honor to transmit herewith the report which he has been good enough to prepare, together with the memorandum from the finance department of Sweden, containing the answers to the inquiries concerning Sweden, with inclosures therein enumerated. I also send herewith a similar memorandum, prepared under the direction of the minister of

public works of Norway, answering the questions embodied in the circular so far as they concern that Kingdom, together with a translation of the said memorandum. I also inclose a translation of the regulations relating to licenses for establishing and operating telephone lines, in order that it may be seen how the question of State control has been treated by the Government of a people whose tendencies are perhaps more republican than even ours.

The telephone system of Stockholm, and in fact throughout Sweden, is the most perfect I have anywhere observed. The telephone is in more general use in Stockholm and consequently more useful than in any city of the world, the service prompt, the system of exchange good, and the instruments used most excellent. The existence of the Government or Riks telephone, with its good service and reasonable rates, has had and has a most beneficial influence on the management of the Allmanna Company, and certainly has proved to be a great protection to the public. Although the Riks telephone is managed with energy and thoroughness and is being rapidly extended and developed, it can hardly be said to be a rival to the Allmanna Company, according to our ideas of rivalry and competition. There is the most liberal system of exchange or interchange of services, and a subscriber to the stock company can as readily and quickly reach a subscriber on the Government system as one on his own line, or vice versa, and at the trifling cost of 10 ora, or 2½ cents. Conversations over the lines can be as lengthy as desired, and they are not interrupted by the central office or exchange.

The service is so arranged that either or both of the parties can "ring off" when the conversation is finished, and subscribers are not subject to the annoyance of having "Have you finished?" or "Haven't you finished yet?" periodically repeated by the central office. I have never known of a hint of a suggestion that the telephone was to be used only by the persons subscribing, as is or was the rule when I lived in Washington.

The theory seems to be that a subscriber pays for the service, and it does not concern the company whether the telephone is used by the subscriber or by a friend. The aim of the companies appears to be to make everybody appreciate how useful the telephone is, so that everybody will desire to have one.

The larger hotels of Stockholm have all rooms connected with the central exchange, and when a traveler is assigned a room he is asked if he will have a telephone, as the inquiry is made if he will have a fire or a bath, and if he desires one a portable instrument is brought in and attached, and he has, immediately, the means of communication with all Stockholm and all Sweden. A most reasonable per diem charge is added to the charge for the room, as in the case of fire or the bath. Most of the steamboats running out of Stockholm are provided with telephone apparatus, and the wires from the central exchange run to the several wharves, and as soon as a steamer arrives at her berth she takes up her special wire and is in connection with the entire city, with her call number in the telephone directory.

As it will be seen by the reports which I inclose, the Government service is somewhat cheaper than the Allmanna. The latter can command the higher price, as it has the larger number of subscribers, it having been established some time prior to the Government system. As soon as the Government telephone is as extensively used, or as it approaches in the number of subscribers to the private lines, the latter will be forced to adopt the cheaper rates. The people are thus protected, and as the Government rates have been proved to be profitable, the

shareholders of the Allmanna will be able to receive a fair interest on their investment even at the rates adopted by the Government. The Allmanna Company have a very extensive and elaborately constructed system of underground conduits, which will give them an important foothold.

There does not appear to be any antagonistic competition on the part of the Government telephone, but it is there, quietly performing its duties, and is always a protection to the public.

Should our Government determine to operate telephone lines in connection with its postal system, I would recommend that a technical study of the systems in Sweden and Norway be made.

I have, etc.,

T. B. FERGUSON.

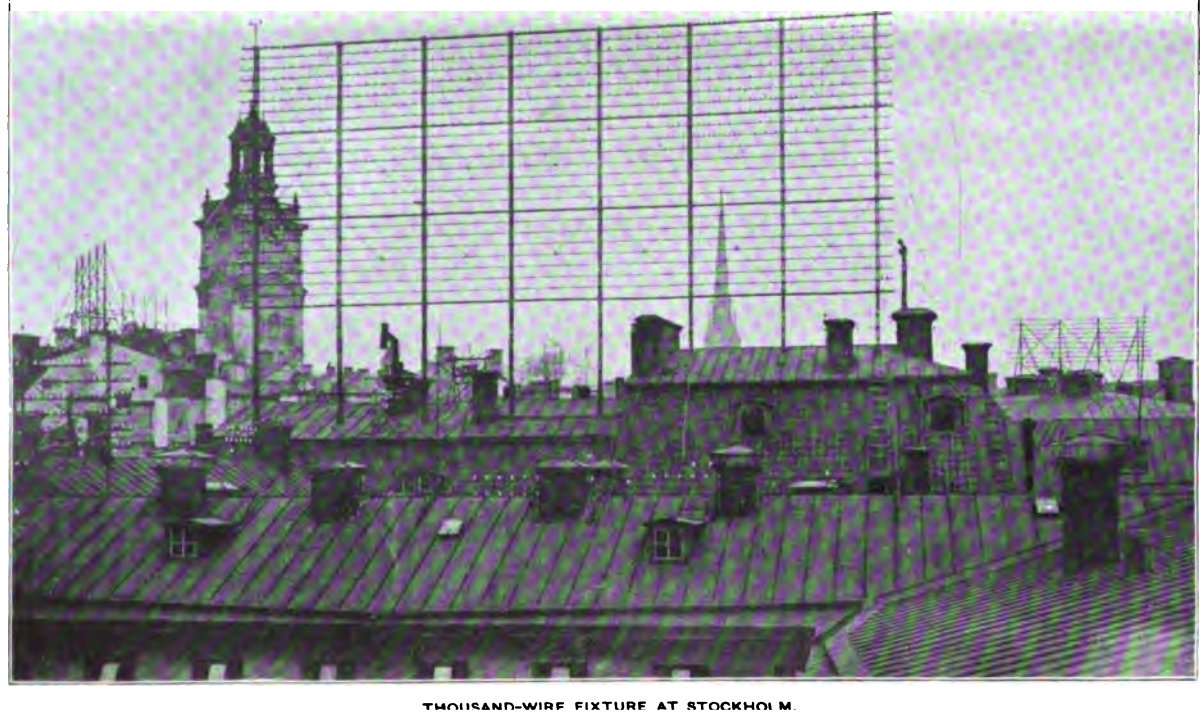
Hon. Mr. THOMAS B. FERGUSON:

At your request I have succeeded in obtaining the following facts regarding the telephone in the Kingdoms of Sweden and Norway: With the invention of the instrument in America, the home of the machine may be said to be here. To mention the extent of its use would necessitate the naming of every city, village, and hamlet in the Kingdom. The multiplicity of telephones employed by the inhabitants can give one a glimpse of what may be expected in the future in our own land. In the city of Stockholm there is a telephone for every fourth householder.

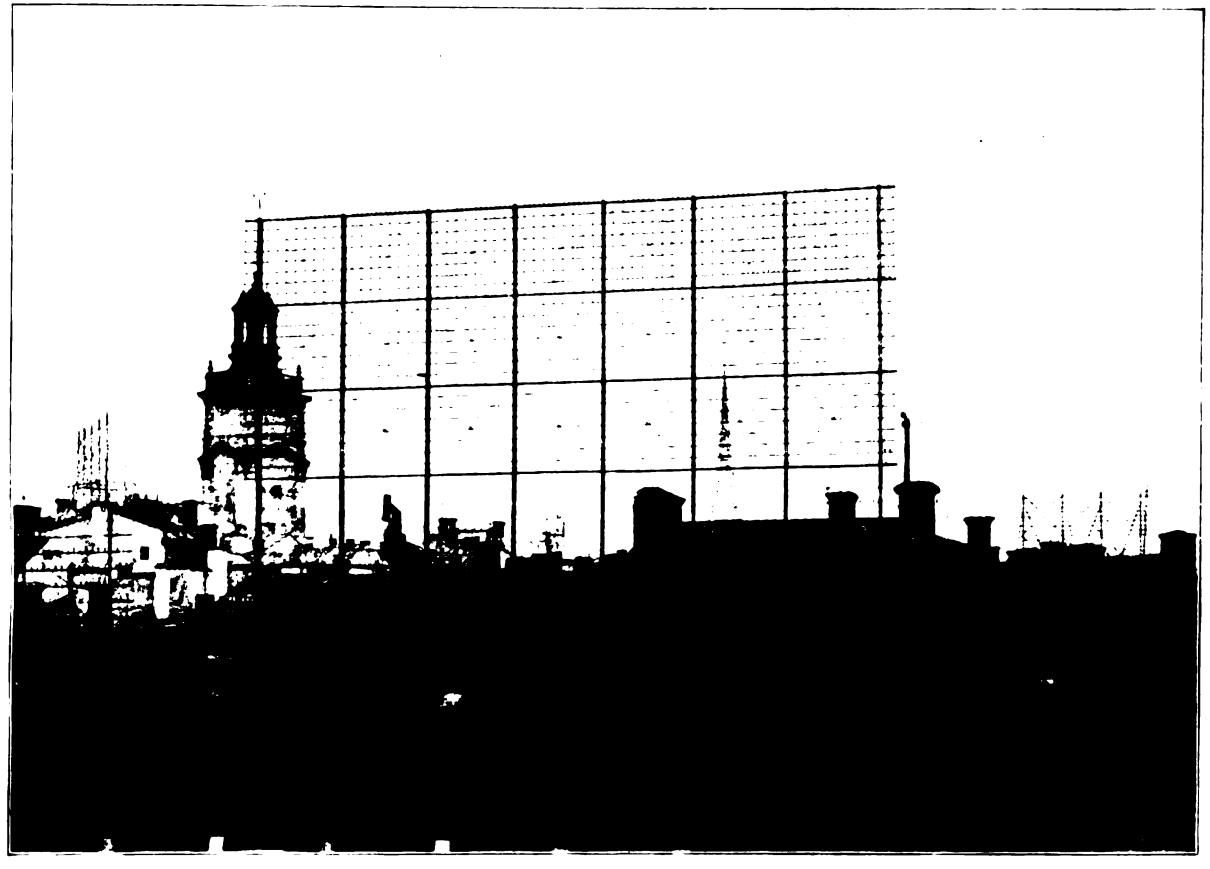
SWEDEN.

The first telephones were installed in Gothenburg and Stockholm about 1880 by the Bell Company. The rates were high, and a rival company appeared in 1883 in the form of a cooperative society. Each member was to be responsible for the cost of his instrument and proportion of operating expenses, and pay yearly about $20. Sweden was soon full of these companies. We might say that this useful assistant to everyday life invaded the seclusion and quietude of villages and towns heretofore not found in the geography.

This new company in Stockholm and Gothenburg began to compete for business at lower rates than the Bell. It was an experiment that was ridiculed by the old company, and the ruin of the competing societies was predicted. The contrary was the effect, and at this writing the Bell Company has been driven from the field. This General Company in 1884 began to extend its field, and began the construction of trunk lines. It proved a success. The Government became alarmed lest its telegraph system would suffer. After the matter had been discussed to a standstill by Parliament, and the King himself asked to decide, the Government decreed that the State post and telegraph department should have exclusive right to erect intertown wires except within a radius of 43½ miles about Stockholm. In this latter territory the General Telephone Company was allowed to construct where it wished. The surface about Stockholm is the best telephoned part of the globe. To own the trunk lines and not those in the large cities appeared to the Government officials as a shortsighted policy. The local exchanges then began to be purchased by the State. The Bell in Gothenburg was the first company to be acquired by the Government. In making this and other purchases the price was not arrived at by any computation of earnings or value of installation, but the State



THOUSAND-WIRE FIXTURE AT STOCKHOLM.



THOUSAND-WIRE FIXTURE AT STOCKHOLM.

ANOTHER TOWER IN SVARTMANGATAN.

The State has given a statement in another section.

The net profits of the General Company have been as follows (Swedish money changed into dollars):

1883	$1,630	1888	$16,000
1884	9,430	1889	16,500
1885	10,450	1890	19,675
1886	14,000	1891	19,750
1887	15,000	1892	25,000

NORWAY.

The Bell Company started in Christiania about 1880, and by the same tactics as practiced in Sweden brought into existence a competitor that finally drove them from the field. In 1885 we find a corporation called the Christiania Telephone Company the sole company in the field. At the last accounts there were some 6,000 subscribers. The rate of subscription is $25 per annum, and this exceeding low figure has, notwithstanding, enabled the stockholders to receive from 5 to 5½ per cent a year. There are now in Norway 5 chief exchanges and about 170 others worked independently, generally by municipalities or rural authorities, although many are joined by trunk lines. The rates, according to American notions, are absurdly small. The Norwegian Government in 1881 realized the danger in this rival to their telegraph, and a law was passed conferring on the State exclusive right to establish trunk lines. But lack of funds keep the authorities from construction. In 1885 telephones had increased to such an extent that the Government must either construct or license intertown communication. It permitted two companies to join hands with a trunk line (Skien and Porsgrund) on paying the estimated loss to the State's telegraphic revenue—some $100. The ice was broken, so to speak, and other towns followed. There are now some 25 trunk lines radiating from Christiania. The loss to the Government is slight and it only exacts some $400 per annum from the different trunk lines. The telephone companies are compelled by law, however, to allow their lines to be used for the sending of telegrams.

Norway now has a trunk line to Stockholm—some 325 miles—and the tariff is 40 cents per three minutes.

On the Swedish territory it is worked by the Swedish Government, but on the Norwegian side by the Christiania Telephone Company.

Rate of tariffs by the Christiania Telephone Company: On direct line not exceeding 1,500 meters, $23 per annum; for each additional 500 meters, $2; rates from Christiania to any town connected for a five-minutes' talk, $0.16.

In Christiania there are some 5,000 instruments. In the whole of Norway we may say there are some 11,500 instruments in use. Total length of wires, some 12,000 kilometers.

I am, sir, yours, truly, EDWARD D. WINSLOW.

I send a few views that explain themselves, and all relate to the General Company.

TELEGRAPHS AND TELEPHONES.

1. Copies of existing laws as to Swedish State telegraphs here inclosed. As to telephones no laws are yet published.

The telegraph administration is authorized to construct telephones

TABLE TELEPHONE.

BREAST-PLATE SET

SWITCH BOARD FOR 10,000 SUBSCRIBERS.

TELEPHONE IN GENERAL USE. RECEIVER AND TRANSMITTER IN ONE HANDLE.

INTERIOR VIEW OF SAME.

by royal letter of June 10, 1881, of which a copy is inclosed. The tariffs for long-distance telephones, now in force, are ratified by royal letters of May 25, 1894, and of December 31, 1894, of which copies are here inclosed.

9. The Swedish Government commenced in the year 1853 to construct the first electric telegraphs in the country, and has consequently, from the first instance, been the owner of the telegraphs in Sweden. The State is not in possession of any legal monopoly for exploiting the telegraphs, but there will practically be a monopoly because the State, as the present owner of all commercial telegraphs, will not allow a coworking of their telegraphs with private companies' lines, if such should be established. The telegraphs of the railways are nevertheless in cooperation with the telegraphs of the State. The charges for such telegraphic messages, which are transmitted on both State and railway lines, are divided between the owners of the lines.

The first telephone exchanges in Sweden were erected by a private company in the year 1880, but already in the following year the telegraph administration of the State began to construct telephone exchanges in some smaller towns. The great plurality of telephone exchanges in Sweden were nevertheless exploited by cooperating associations of subscribers, not forming common business companies, but only sharing the costs of installation, service, and repair. The State bought in by free agreement in the year 1883 the telephone exchange of the International Bell Company in Malmo; in the following year the exchange of the association in Landskrona, and extended during the three following years the telephonic communication over the whole province of Scanie. In the year 1888 the telegraph administration similarly acquired from the Bell Company the telephone exchange in Gothenburg, and erected in the same and the following year the first long-distance telephone line of importance, viz, the one between Stockholm and Gothenburg. The Parliament of 1889 granted funds necessary for constructing a system of grand trunk lines from Malmo to Stromstad, along the west coast of Sweden, from Malmo to Stockholm, Gefle, Sundsvall, and Hernosand, amounting in all to about 2,400 miles.

In the same year the telegraph administration commenced the construction of a State telephone exchange in Stockholm for the subscribers who wanted to come in direct communication with the grand trunk lines. Until this time all telephone exchanges in Sweden were fitted with single wire. But now the administration stipulated that all exchanges which wanted to be put in communication with the long-distance telephone wires should be rebuilt to double wire, and the private exchanges thus rebuilt had furthermore to pay an additional charge for every conversation beyond what the subscribers of the State had to pay. As these stipulations would incur great expenses to the private exchanges, not only in the first instance for rebuilding central offices and wire nets, but also in time to come by higher charges for using the trunk lines, the associations of subscribers above mentioned found their best way for evading these expenses to sell their exchanges and amalgamate with the State. In this manner the State has successively, from 1890 to 1897, been owner of all private exchanges, excepting the two in Stockholm and a few smaller exchanges in the country, about which last mentioned negotiations are also opened for purchase. In Stockholm the competition is at present very sharp, but in this district the exchange of the State has secured about 6,000 subscribers since the 1st July, 1889.

10. No purchase of private telegraph companies has taken place in

Sweden. The purchase of the private exchanges was determined by free agreement. If the owner or owners of an exchange would not sell at an acceptable price the telegraph administration would not buy. The State has no monopoly as to telephones and could consequently not stipulate any purchase price.

11. The original cost of constructing the telephone exchanges bought up has generally not been taken into consideration. All the exchanges acquired have been single wire, as said before, and, in favor of the subscribers, rebuilt to double wire by the State; consequently the central offices had, of necessity, to be refitted anew with new switch boards and new leading wires, etc. The same has been the case even with the wires on house tops and on poles. The price paid has consequently generally been much lower than the cost of construction, and only the telephones of the subscribers have been paid with their actual cost. Exact figures on this heading can not however be given, because the conditions have been different at different places, and the original cost of construction is not, as said, estimated at the purchase, neither known nor taken into account. When thus the price of constructing can not be given, the price given by the Government may be without interest.

12. The telegraphs have, as mentioned (sub 9), never been under private management. As to the annual receipts and expenditures of the telephones under private management, the telegraph administration is not in a position to give any figures, because the accounts of the companies or associations were not subject to public inquiry, but of private nature, open only for shareholders or (in the associations) for subscribers. The annual receipts and expenditures of the telephones under Government administration are of course known, but they may be of minor interest, as the comparison aimed at can not be reached. During the year 1896 the annual receipts of the telephones of the Government have amounted to 2,306,507 crowns ($645,822), and the expenditures to 1,037,132 crowns ($290,397) for service and repair, and 196,817 crowns ($29,908) interest on capital. Of the net profits, 397,500 crowns ($111,300) is used for lessening the capital and the rest for extensions. These figures clearly manifest that the business is well-paying, even with the low rates in Sweden.

Under this heading it may be of some interest to compare the telephonic rates for the subscribers before and after the transfer of the telephones to the State. Under private management the subscription fee varied in the different exchanges from 20 crowns to 125 crowns a year ($5.60 to $35.30). The private companies, which generally demanded a higher annual fee than the associations of subscribers, taxed 50, 60, 80, 120, and 125 crowns a year ($14, $16.80, $22.40, $33.60, and $50). The subscription fee (or annual repartization) of the associations amounted to 20 crowns up to 50 crowns ($5.60 to $14), in which amounts generally no installation cost was included, because every subscriber had beforehand paid his own installation; thus the annual fee had to cover only service and repair. After the transfer to the Government all subscribers must of course pay not only service and repair, but even interest and amortization on the capital paid in purchasing and rebuilding the exchanges. Consequently the annual fee has, in all the exchanges where it was lower than 50 crowns ($14.40), been increased to that amount, and in all exchanges where it was 50 crowns ($14.40) before kept unaltered. In exchanges where subscribers paid 120 to 125 crowns ($33.60 to $35) the subscription fee was immediately reduced to 80 crowns ($22.40), which at present is the highest fee in the Government

exchanges, excepting in a few exchanges in the province of Scanie, where the use of long-distance lines is paid annually and where the annual fee amounts in all to 100 crowns ($28). The most part of subscribers now pay 50 crowns ($14), a minor part 60 crowns ($16.80), and only a few 80 crowns ($22.40).

13. The telegraphs have not been transferred from private companies to the State.

All telephone exchanges purchased by the Government have been considerably extended after the transfer. In 48 of the purchased exchanges the number of subscribers were, before the transfer, 8,340, and have since risen to 21,606. The comparison between miles of wires before and after the transfer will not be exact, because all wires before were single wire, as said above, and are now double wire. The extension of double wire is, however, about in the same proportion as the increase of subscribers.

14. In accordance with heading 11 above, the original cost of construction of telephones by private companies is not known. As a general estimate concerning the comparative cost of construction by Government and by private companies, it may be stated that the former is higher, but this is depending exclusively on the fact that all constructions are made very much more substantial by the Government than before by the private companies.

15. Telegraphic or telephonic stamps are not used in Sweden. By separate agreement with the general post-office, postal stamps can be used even in paying for transmission of telegrams, but only when these are handed over by post to the telegraph offices. All telephonic charges must be paid by money.

16. The postal stamps used in paying for transmission of telegrams are sold by the post-offices, and by the general post-office redeemed from the telegraph office, with a deduction of 3 per cent. The control of the sale of such stamps is consequently in the hands of the postal authorities.

17. The charge for a telegraphic message not exceeding ten words is, in the internal traffic, half a crown (14 cents). Telephonic messages on long-distance wires must be recited on the wires by the sender himself, direct to the addressee, and is charged, not by word, but as conversations, by number of periods of three minutes, used for the transmission. Telephonic messages sent from a subscriber to the nearest telegraph office for further transmission on the telegraphs are free from charge for the telephonic transmission, and paid only for the telegraphic transmission as telegrams. Telephonic messages sent to the nearest telegraph office in order not to be forwarded on the telegraph lines, but to be, by care of the delivery department of that telegraph office, handed over to an addressee living in the delivery district of the same telegraph office, are paid with half the charge for a telegram of the same number of words.

18. The internal tariff for private telegrams is, as said below the next foregoing heading, half a crown (14 cents) for telegrams not exceeding ten words, with additional 5 öre (1½ cent) for every additional word above ten. This tariff is quite independent of the distance of transmission, and consequently universal all over the Kingdom, as are the postal tariffs.

Telephonic messages may not be transmitted on longer distances than to the telegraph office, to whose administration the sending telephonic apparatus belongs. The charges for such messages are indicated above.

Telephonic conversations on long-distance lines from subscriber to subscriber are, as related in heading 17, paid by number of periods of three minutes occupied for the transmission. The tariff is also dependent on the length of long-distance circuit used, in such a way that the charge for every three minutes or part of such period is:

	Öre.	(Cents.)
On circuits up to 100 kilometers (60 miles)	15	($4\frac{1}{2}$)
More than 100 and up to 250 kilometers (60 to 150 miles)	30	($8\frac{1}{3}$)
More than 250 and up to 600 kilometers (150 to 360 miles)	50	($14\frac{2}{3}$)
More than 600 and up to 900 kilometers (360 to 540 miles)	75	(21)
More than 900 kilometers (540 miles)	100	(28)

Conversations are exchanged in the same order as they have been called for. Subscribers who will not wait their turn can get a preferred conversation at double rates. In like manner a subscriber can get a conversation at a certain hour on certain days (at least twelve conversations in a month) at double rates. These conversations are called "conversations in series."

19. Tariff for press telegrams is half a crown (14 cents) for up to twenty words, with additional $1\frac{2}{5}$ cents for every additional two words (or one word). Press tariff is consequently practically half the common tariff.

Press telephone conversations enjoy no other reduction in the general tariff than that press conversations in series, exchanged during nights (from 9 o'clock p. m. to 7 o'clock a. m.), are charged as ordinary conversations.

20. The average number of words sent daily can not be given, because the statistics are calculated partly on number of telegrams and partly on number of words. The statistics of telegrams for the press show an average of only twenty-eight telegrams a day, and besides 5,000 words a day.

21. The annual value of work performed by the telegraphs is 1,482,511 crowns ($415,103), and by the telephones 2,306,507 crowns ($645,822).

POSTAL SAVINGS BANK.

In compliance with an application presented by the resident minister of the United States to the royal department of finances, requesting the answers to various interrogatories concerning the telegraph and telephone system of Sweden, as well as the post-office savings bank in Sweden, the undersigned, who has been charged with furnishing reports which might enable the royal department of finances to answer the above-named application as far as concerns certain information on the post-office savings bank of Sweden, will have the honor to make the following statements while returning the circular on the subject which was handed to me, and annexing all the statutes issued by His Royal Majesty on the post-office savings bank.

In response to interrogatory 2 of the above named circular, viz, the annual deposits collected during each year of the existence of the post-office savings bank, reference is made to the following tables, which will give a synopsis of certain statements made in the reports on the Swedish post-office savings bank for the period 1884–1895, as presented to His Royal Majesty, and which will also give a plan of the work of the bank during last year, 1896.

HEADS OF TABLES.

1, year; 2, number of post stations officiating for the post-office savings bank at the close of the year; 3, number of deposits made during

the year; 4, total sum of deposits during the year; 5, number of payments made during the year; 6, total sum of money drawn out during the year; 7, total expenses for the administration of the post-office savings bank; 8, number of new cash accounts commenced in the course of the year; 9, number of cash accounts which have ceased during the year; 10, number of cash accounts existing at the close of the year; 11, total sum due from the bank to the bank customers, including interest until the close of the year.

With regard to interrogatory 3, concerning the interest allowed the investors, I would state that this interest has been calculated at 3.6 per cent for the period elapsed from the founding of the post-office savings bank until the close of last year. After this last-named date the interest allowed on deposits in the bank will be 3.3 per cent for the present, in accordance with the royal proclamation of June 19, 1896.

In answer to interrogatory 4, whether there are any limits fixed for the amounts received as deposits, and in such case requesting the character of these restrictions, it is hereby stated that the statutes in force for the post office savings bank only contain the following regulations with regard to this case, viz, the smallest amount of a deposit in the bank is 1 krona, and that for the present interest must not be allowed for deposits exceeding 2,000 kronor invested in one pass book.

Concerning a certain minimum period for the reception of deposits, as mentioned by interrogatory 5, no prescriptions have been made for the Swedish post-office savings bank; however, I think it proper to observe with regard to this matter that interest on funds deposited is allowed only for a whole month, and is calculated from the month after that of the deposit being made and until the month when the money may be taken out.

Interrogatory 6 requests information concerning the annual average amount of the deposits of each individual bank customer. The following figures will show the average amounts in question during the thirteen years which have elapsed since the starting of the post-office savings bank.

With regard to the possibility mentioned by interrogatory 7 of transferring the pass books of the bank from one person to another, and the conditions of such a transaction, the statutes contain the rule that such a transfer may be made, though only in cases of inheritance or legacy, as well as in consequence of bankruptcy or extending.

Interrogatory 8 requests information whether the pass books of the bank may be exchanged into State bonds, and in such case which are the conditions for such a transformation. For such cases there is a clause of the statutes authorizing the board of directors of the bank, after application being made by the proper investors, to arrange that the funds deposited in the bank for the account of the above-named customers be exchanged into the same kind of bonds bearing interest which is secured for the account of the post-office savings bank itself, and at the most profitable rate that may be obtained.

Very respectfully,

G. V. SANDBERG,
Chief Clerk and Secretary of the Post-Office Savings Bank.

STOCKHOLM, *October 12, 1897.*

VENEZUELA.

Mr. Loomis to the Secretary of State.

LEGATION OF THE UNITED STATES,
Carácas, December 10, 1897.

SIR: In pursuance with your circular instructions of July 17, I have the honor to submit the following information respecting the telegraphs and telephones in Venezuela. In this connection I desire to say that statistics on these subjects are of a very meager nature and difficult to obtain at all.

I have, etc., FRANCIS B. LOOMIS.

TELEGRAPH LINES.

The telegraph lines of Venezuela are owned and operated by the Government.

1. The original cost of construction of the telegraph lines was 15,970,000 bolivars ($3,194,000).
2. Annual receipts: Paid messages, 182,000 bolivars ($36,400); official messages, 956,000 bolivars ($191,200); expenses, 1,071,205.64 bolivars ($214,241).
3. There are 115 offices and 3,821 miles of line.
4. The Government sells telegraphic stamps for the convenience of the public in transmitting messages. There are six denominations of these stamps.
5. The sale of stamps is in charge of agents at the different offices, who are appointed by the Government. The stamps are canceled each time.
6. The ordinary message is limited to ten words, at a charge of 1 bolivar (20 cents).
7. There is no special rate for press telegrams.

TELEPHONE LINES.

The telephone lines of Venezuela are owned and operated by private corporations. There are two companies in the country with headquarters in Carácas, viz, The Venezuela Telephone and Electrical Appliances Company, Limited, and the American Electric and Manufacturing Company.

The Venezuela Telephone and Electric Appliances Company, Limited, is an English corporation, and has 410 miles of trunk lines; 3,000 miles in Carácas and outlying districts; 200 miles in La Guayra and outlying districts; 300 miles in Valencia and outlying districts; 75 miles in Puerto Cabello and outlying districts. (This mileage is approximate.) It has 20 offices. Rates are as follows: five minutes conversation on trunk lines, one-half bolivar (10 cents); 18 bolivars ($3.60) per month in Carácas; 10 bolivars ($2) in La Guayra; 3 bolivars (60 cents) in Valencia.

There are no rates for press messages, but the journals have free use of the phone at certain hours of the day. There are about 13,000 daily local calls in Carácas; 300 to 400 daily local calls in La Guayra; 90 daily local calls on interior lines (to and from).

The Bell telephone with Blake transmitter is used, and supplies come from the Western Electric Company in New York. Expenses, includ-

the year; 4, total sum of deposits during the year; 5, number of payments made during the year; 6, total sum of money drawn out during the year; 7, total expenses for the administration of the post-office savings bank; 8, number of new cash accounts commenced in the course of the year; 9, number of cash accounts which have ceased during the year; 10, number of cash accounts existing at the close of the year; 11, total sum due from the bank to the bank customers, including interest until the close of the year.

With regard to interrogatory 3, concerning the interest allowed the investors, I would state that this interest has been calculated at 3.6 per cent for the period elapsed from the founding of the post-office savings bank until the close of last year. After this last-named date the interest allowed on deposits in the bank will be 3.3 per cent for the present, in accordance with the royal proclamation of June 19, 1896.

In answer to interrogatory 4, whether there are any limits fixed for the amounts received as deposits, and in such case requesting the character of these restrictions, it is hereby stated that the statutes in force for the post office savings bank only contain the following regulations with regard to this case, viz, the smallest amount of a deposit in the bank is 1 krona, and that for the present interest must not be allowed for deposits exceeding 2,000 kronor invested in one pass book.

Concerning a certain minimum period for the reception of deposits, as mentioned by interrogatory 5, no prescriptions have been made for the Swedish post-office savings bank; however, I think it proper to observe with regard to this matter that interest on funds deposited is allowed only for a whole month, and is calculated from the month after that of the deposit being made and until the month when the money may be taken out.

Interrogatory 6 requests information concerning the annual average amount of the deposits of each individual bank customer. The following figures will show the average amounts in question during the thirteen years which have elapsed since the starting of the post-office savings bank.

With regard to the possibility mentioned by interrogatory 7 of transferring the pass books of the bank from one person to another, and the conditions of such a transaction, the statutes contain the rule that such a transfer may be made, though only in cases of inheritance or legacy, as well as in consequence of bankruptcy or extending.

Interrogatory 8 requests information whether the pass books of the bank may be exchanged into State bonds, and in such case which are the conditions for such a transformation. For such cases there is a clause of the statutes authorizing the board of directors of the bank, after application being made by the proper investors, to arrange that the funds deposited in the bank for the account of the above-named customers be exchanged into the same kind of bonds bearing interest which is secured for the account of the post-office savings bank itself, and at the most profitable rate that may be obtained.

Very respectfully,

G. V. SANDBERG,
Chief Clerk and Secretary of the Post-Office Savings Bank.

STOCKHOLM, *October 12, 1897.*

The following items of information were sent me by the responsible head of the general post-office in Sydney:

GOVERNMENT SAVINGS BANKS.

Return showing the annual aggregate amounts of deposits in the Government savings banks for each year since the establishment of the system (September 1, 1871).

[Pounds sterling changed into dollars.]

Year.	Balance brought forward from preceding year.	Deposits during the year.	Interest added.	Total amount at credit of depositors at the close of the year.
1871	.....	$78,915	(*)	$71,135
1872	$71,135	467,670	$8,165	404,715
1873	404,715	924,090	25,165	1,030,350
1874	1,030,350	1,162,610	46,860	1,515,565
1875	1,515,565	1,400,735	(*)	1,772,145
1876	1,722,145	1,425,200	66,820	2,006,490
1877	2,006,490	1,646,370	77,070	2,337,265
1878	2,337,265	1,803,525	85,000	2,440,125
1879	2,400,125	1,968,860	87,720	2,556,785
1880	2,556,785	2,288,895	95,455	2,932,480
1881	2,932,480	4,190,955	137,555	4,857,505
1882	4,857,505	4,456,000	185,320	5,792,270
1883	5,792,270	4,614,020	201,665	5,917,595
1884	5,917,595	5,168,505	215,990	6,454,655
1885	6,454,655	5,762,915	245,965	7,359,470
1886	7,359,470	5,358,050	261,785	7,116,525
1887	7,116,525	5,131,350	253,585	7,507,270
1888	7,507,270	6,095,005	292,415	8,688,520
1889	8,688,520	5,579,315	309,360	8,649,455
1890	8,649,455	5,991,470	316,125	9,379,525
1891	9,379,525	7,546,885	361,405	10,767,315
1892	10,767,315	8,150,990	408,905	11,770,430
1893	11,770,430	14,080,425	497,830	16,166,445
1894	16,166,445	10,803,050	604,000	18,169,625
1895	18,169,625	10,970,670	643,205	20,608,500
1896	20,608,500	10,552,895	643,150	21,864,735

* Included in deposits.

3. Interest at the rate of 3 per cent per annum (computed from the first day of the calendar month following the date on which a complete sum of £1 ($5) has been deposited, or on which deposits of a less amount shall have made up the sum of £1 ($5), to the first day of the calendar month in which moneys are withdrawn) is allowed on every sum of £1 ($5) up to £200 ($1,000) deposited. It is calculated to the 31st of December in each year and then added to the principal.

4. No limit is placed upon the amount received on deposit, but no interest is allowed on any sum deposited in excess of £200 ($1,000).

5. A depositor is not entitled to withdraw his deposits or any portion thereof until after the expiration of ten days from the date of the first deposit.

6. The average amount of the individual deposits for 1895 was £7 8s. 0¾d. ($37) and for 1896 £6 17s. 2¼d. ($34).

7. No transferable certificates of deposit are issued, but provision is made for the repayment of deposits to a third person, in accordance with the following regulation:

Repayments shall be made only to the depositor in person or upon the production of authority from such depositor, which may be given either by means of a prescribed form of order obtainable at any Government savings bank or by power of attorney under seal. An order for such purpose can be signed in the presence of any officer of the post-office other than the paying officer, a minister of any religious denomination, a justice of the peace, a commissioner to administer oaths, or, in the

case of sickness, of the medical attendant. If the depositor be resident out of the colony the signature must be verified either by some constituted authority of the place in which he resides, by a notary public, or by the British consular representative.

Any such letter or order as last aforesaid should be in the prescribed form, which may be obtained at any savings bank office, and may be signed by a minor if he have attained the age of seven years.

Any document signed by a minor in accordance with this regulation shall be valid and binding upon him as if being of full age he had signed such document.

Where a power of attorney or any such letter or order as in this regulation mentioned authorizes payment to be made to one or more persons trading under any style or firm or to a body corporate any member of such firm or any officer of such body corporate may apply for payment, and the signature of such member in the name of the firm or of such officer signing as such shall be a good discharge to the postmaster-general for the sum specified in the warrant.

8. Certificates of deposit are not convertible into Government bonds.

The revenue of the Government savings banks is represented by the interest received from investments, the respective amounts for the last three years being:

	£	s.	d.	
1894	134,025	5	7	= $651,362.86
1895	127,673	10	9	= 620,493.40
1896	138,313	19	3	= 672,205.87

There is, however, a value attaching to the work of the Government savings banks which can not be expressed in money, viz, the encouragement of thrift.

ELECTRIC TELEGRAPHS.

The first line of electric telegraphs constructed in the Colony was but 22 miles long and was opened in January, 1858.

The following table, taken from "Coghlan's Wealth and Progress of New South Wales" for 1895–96, conveys clearly the progress of the telegraphs in this Colony for the last thirty years:

Year.	Number of stations.	Number of telegrams dispatched, received, and passed through the Colony.	Revenue received (£ changed into dollars.)	Number of miles of line.	Number of miles of wire.	Cost of construction (£ changed into dollars.)
1865	55	* 138,785	$148,845	.....	2,989	$727,230
1870	96	* 173,812	142,750	.....	5,247	977,725
1875	137	* 719,745	243,285	.....	18,012	1,266,955
1880	289	1,319,537	420,550	.....	13,188	2,311,130
1885	404	2,625,992	775,365	.....	29,864	3,208,345
1886	425	2,661,126	790,640	.....	0,797	3,330,140
1887	434	3,258,733	822,555	.....	21,444	3,423,000
1888	460	3,936,830	929,825	.....	22,219	3,524,560
1889	485	3,932,670	934,310	10,732	22,606	3,568,315
1890	628	4,101,449	968,535	11,231	23,598	3,718,490
1891	674	4,046,251	956,595	11,697	24,780	3,839,360
1892	706	2,976,109	925,070	11,905	26,443	4,009,590
1893	724	2,853,691	787,410	12,097	27,326	4,104,110
1894	813	2,464,074	739,515	12,201	28,085	4,157,355
1895	834	2,635,456	729,505	12,316	28,799	4,201,900

* Number dispatched only.

In this connection possibly a table of comparison from the same author may be of interest:

Country.	Length (in miles).		Country.	Length (in miles).	
	Of line.	Of wire.		Of line.	Of wire.
Australasia	47,618	98,916	Italy	24,349	94,149
Argentine Republic	20,415	.....	Japan	9,386	28,070
Austria-Hungary	43,672	145,777	Mexico	39,193	.....
Belgium	3,928	19,564	Netherlands	3,465	12,396
Brazil	9,884	21,130	Norway	5,138	8,079
Canada	31,841	69,111	Portugal	3,483	10,292
Cape Colony	6,442	.....	Russia	74,276	171,663
Chile	11,465	.....	Spain	14,710	33,552
Denmark	3,010	8,515	Sweden	5,379	15,188
France	73,550	275,370	Switzerland	4,473	12,477
Germany	79,382	298,833	Turkey	20,380	31,890
Greece	4,781	5,836	United Kingdom	83,062	220,975
India (inclusive of native states)	44,648	138,256	United States	190,303	790,792

The charges on telegraphic and telephonic messages (except New Zealand, New Caledonia, and International Cable business, for which cash will be accepted) are prepaid by postage stamps, and the public are required to affix them to the message forms, just as they are required to affix stamps to letters. For the convenience of the public in transmitting telegraphic messages, these stamps are issued in the following denominations, to wit: ½d. (1 cent), 1d. (2 cents), 2½d. (5 cents), 3d. (6 cents), 4d. (8 cents), 5d. (10 cents), 6d. (12 cents), 7½d. (15 cents), 8d. (16 cents), 9d. (18 cents), 10d. (20 cents), 1s. (24 cents), 12½d. (25 cents), 5s. ($1.22), 10s. ($2.43), and £1 ($4.86). Telegram forms impressed with 6d. (12 cents) or 1s. (24 cents) stamps are also provided and sold at their face value, either singly or in packets of twenty. Telephone bureau conversations are paid for in cash on the slot system.

Ordinary postage stamps are used for messages transmitted either by telephone or telegraph. They are canceled by being obliterated with a steel date stamp. The actual value of stamps affixed to telegrams is ascertained from the messages themselves, and a transfer from postal to telegraph revenue is made at the treasury monthly of the total value of stamps thus affixed.

There is no restriction as to the number of words in ordinary telegraphic or telephonic messages. The following charges are made for telegrams within the colony: For first ten words, 1 shilling (24 cents); each additional word, 1 penny (2 cents). For suburban messages, for first ten words, sixpence (12 cents); each additional word, 1 penny (2 cents).

The tariff for press telegrams and telephonic messages is as follows: Between all stations in New South Wales, 10 words and under, 6d. (12 cents); every additional word up to 34 words, ½d. (1 cent); over 34 and up to 100 words, 1s. 6d. (36 cents); every additional 50 words or portion thereof, 6d. (12 cents).

The average number of words sent and received daily for the press at the head office, colonial and intercolonial, is as follows:

Colonial:	
Transmitted	15,845
Issued	17,054
Intercolonial:	
Transmitted	10,779
Issued	10,815

The annual value of the work performed by the telegraphs and telephones is represented by the revenue received, with the addition in the case of telegraphs of £25,000 ($125,000), the estimated annual value of free shipping and weather intelligence supplied by telegraph.

Annual revenue and expenditure, telegraphs and telephones, for 1894, 1895, and 1896.

TELEGRAPHS.

Year.	Revenue.		Expenditure (estimated).	
	£ s. d.		£ s. d.	
1894	146,669 1 4	$712,811.68	(*)	.....
1895	149,102 4 6	724,636.82	299,288 18 1	$1,454,544.08
1896	153,548 16 10	746,247.38	(*)	.....

TELEPHONES.

Year.	Revenue.		Expenditure (estimated).	
	£ s. d.		£ s. d.	
1894	20,298 1 8	$98,648.68	(*)	.....
1895	25,955 10 5	126,143.84	22,709 0 0	$110,365.74
1896	31,955 6 8	155,302.93	(*)	.....

* In 1893 the postal, electric telegraph, telephone, money order, and savings banks departments were amalgamated and have since been carried on as one department. In 1895 an estimate of the expenditure chargeable to the different branches was made for departmental purposes, and the result is given above. This estimate can only be regarded as approximate, and no estimate of the expenditure for 1894 and 1896 can be given.

The estimated number and value of postage stamps and of postage prepayment forms sold for postal and telegraph purposes during the year 1896 were as follows: Number, 81,075,400; value, £556,600 ($2,705,076).

While the general facts relating to the telephones are included in the above calculations, it may be well to remark that at the close of the year 1896 there were 5,105 lines and 5,459 telephones in use in New South Wales, and that during the year there was an extension of 68 miles of line and 1,441 miles of additional wires erected, at a cost of over £16,052 ($78,012.72).

The rent for private telephones supplied to regular subscribers is £1 10s. ($7.30) per annum, and for each set of magnetic telephones the same amount is charged. The cost of telephone at place of business or private residence depends upon length of wire. The total miles of wire cannot be easily determined, as many miles of telegraphs as well as many miles of wire along the common fences are utilized for telephonic service.

I regard the postal savings bank as an excellent institution, not only as affording a safe and convenient means for depositing small sums by poor people and by children, but as increasing the feeling of loyalty and respect for the Government which, through this means, is brought in touch with the most numerous class of people. It does not create a feeling of the existence of a paternal government as much as a feeling that it is "our Government," which we may freely use to advance or secure our individual safety.

My experience and observation is that the telegraphic service afforded by the Government of New South Wales—other things being equal—is more economic, more prompt, and more reliable than the service in our country under private control, and I have seen no well-informed person who would be willing to hand over the system to any corporation.

The telephone service in Sidney is rather defective, though that is plainly attributable to the easy-going manner of the people, who look with little favor on the impatience and rush of the restless American. The machinery and appliances are good, the employees polite, and the intention of the authorities is that good service should be given.

GEO. W. BELL,
United States Consul at Sidney.

P. S.—Under another cover reports mentioned are forwarded.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES, TRANSMITTING, IN FURTHER RESPONSE TO RESOLUTION OF THE SENATE OF JULY 12, 1897, COMMUNICATION FROM THE SECRETARY OF STATE, WITH ADDITIONAL PAPERS RELATING TO THE NATURE AND PRACTICAL WORKINGS OF THE POSTAL TELEGRAPHS, TELEPHONES, AND POSTAL SAVINGS BANKS OF FOREIGN COUNTRIES.

To the Senate:

In connection with Senate Document No. 39, Fifty-fifth Congress, second session, and in further response to the resolution of the Senate of July 12, 1897, I transmit herewith a report from the Secretary of State, with additional papers, relating to postal telegraphs, telephones, and postal savings banks in Austria.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, March 22, 1898.

The PRESIDENT:

In further response to the resolution of the Senate of July 12, 1897, the undersigned, Secretary of State, has the honor to lay before the President, with a view of its transmission to that body, an additional report from the minister of the United States at Vienna relating to the postal telegraphs, telephones, and postal savings banks of Austria.

Respectfully submitted.

JOHN SHERMAN.

DEPARTMENT OF STATE,
Washington, March 18, 1898.

AUSTRIA—Additional.

Mr. Tower to Mr. Sherman.

UNITED STATES LEGATION,
Vienna, February 25, 1898.

SIR: In reply to questions relating to telegraph and telephone lines in the Empire of Austria, contained in the Department's circular of the 17th of July, 1897, I have the honor to submit the following information, which I have obtained from the Austrian ministry of commerce:

TELEGRAPH AND TELEPHONE LINES.

Question No. 9. Does the Government own either the telegraphs or telephones of Austria; and, if so, when and how did it acquire them?

Answer. I. Telegraphs: The use of the telegraph was introduced into Austria in the year 1846, and has always been under the control of the State.

The privilege of erecting telegraph lines throughout the monarchy was given exclusively to the Government by a decree dated the 16th of January, 1874.

Exceptions have been made from time to time in favor of individuals who have been allowed to erect private telegraph lines, under conditions prescribed by the Government, as in the cases of certain railways, manufacturing industries, fire-alarm systems, signaling stations, and the like, where such lines are erected entirely within the Empire. In general, the State does not interfere with the erection of such telegraph lines within its limits; but no line may be carried beyond the Austro-Hungarian frontier without special authority from the Government.

II. Telephones: The telephone system in Austria has always been held to be governed by the decree of the 16th of January, 1874, relating to telegraph lines, and therefore as within the control of the State. In the beginning, the use of the telephone was extended throughout Austria by individuals or private corporations, to whom the Government granted certain privileges for that purpose, limited as to time. Such concessions were made chiefly during the years 1881 to 1885, inclusive.

Later, when the development of the telephone advanced beyond expectation, the Government decided to cease granting privileges of this character, and, at the expiration of the respective terms for which they were then outstanding, to resume those already granted.

By a decree of the ministry of commerce, dated the 7th of October, 1897, the principle of Government ownership of all telephone lines within the Empire was established, and, under that decree, negotiations were had which ultimately restored to the Government such privileges as had been granted by limited concessions to individuals and corporations.

Question No. 10. If the Government of Austria purchased the lines of private telegraph or telephone companies, how was the price paid for the same determined? If by appraisers, how were they appointed?

Answer. The telephone system established under the concessions originally granted by the Government was recovered by the State upon the conditions especially reserved for that purpose in the grants, and this included all constructions and apparatus erected by the grantees.

The indemnity in such cases was agreed upon by arbitrators, one of whom was nominated by the ministry of commerce, one by the grantees, respectively, and the third by the two so nominated.

The basis of such indemnity was taken in each case to be the original cost and labor of establishing the line, its present value, with a due allowance made for deterioration.

Question No. 11. If the telegraphs or telephones of Austria have been purchased by the Government, what was the original cost of constructing them, and what price did the Government pay for the same?

Answer. Telephones: Upon the basis described in the reply to question No. 10, the Government took possession on the 1st of January, 1893, of ten city telephone lines, namely, those of Graz, Prague, Triest, Lemberg, Bielitz-Brala, Czernowitz, Pilsen, Reichenberg, Brunn, and Linz, with a total number of 4,248 subscribers. The aggregate amount paid for them by it was 1,400,000 florins ($568,400).

On the 1st of June, 1895, the telegraph and telephone property of the Vienna Private Telegraph Company was acquired by the State.

It consisted of 12 private telegraph stations and 7,700 telephone subscribers. The amount paid by the Government was 4,000,000 florins ($1,624,000).

All telephone property used for public service in Austria is now owned and controlled by the State.

Question No. 12. What were the annual receipts and expenditures of the telegraphs and telephones under private management, and what have been the annual receipts and expenditures of the same under Government management?

Answer. It is not possible at present to compute accurately the annual receipts and expenditures of the telegraphs and telephones under the respective conditions above mentioned, because both the telegraph and telephone systems of the Empire are treated as parts of the postal telegraph service. They have been combined with the postal service since the year 1884, and the revenues of telegraphs and telephones are not separated sufficiently in the official statistical reports of the post office department.

Question No. 13. At the time of the transfer of the telegraphs and the telephones of Austria to the Government, how many offices and how many miles of wire of each were in the Empire, and how many offices and miles of wire of each are there now?

Answer. The following table shows the steady increase of the telegraph system in Austria from the year 1896, inclusive:

[Kilometers changed into miles.]

	1892.	1893.	1894.	1895.	1896.
Length of line.....miles..	17,335	17,860	18,221	18,957	19,603
Length of wire.....do...	50,431	52,973	54,784	58,247	60,298
Number of stations.....	4,084	4,229	4,393	4,544	4,785

The extension of the telephone system for the same period is shown as follows:

	1892.	1893.	1894.	1895.	1896.	1897.
Length of line.....miles..	32,019	32,373	33,685	35,674	37,101	.....
Number of instruments.....	13,337	14,941	17,404	19,416	21,616	24,105

Question No. 14. How does the cost of extensions of telegraphs or telephones which have been made by the Government of Austria compare with the original cost of construction of the telegraphs or the telephones of Austria by private companies?

Answer. The ministry of commerce replies to this question that, as the Government has so recently acquired control of the private telephone properties, and has been obliged to authorize large expenditures for improvements, it is not as yet in a position to give definitely the statistics required.

Question No. 15. Does the Government of Austria sell telegraphic and telephonic stamps for the convenience of the public in paying for the transmission of telegrams and telephonic messages; and if so, how many denominations of such stamps are issued?

Answer. The sender of a telegram in Austria may either pay for it in cash or may attach to his message the requisite amount in stamps. For this purpose the ordinary postage stamps of the Empire are used.

Question No. 16. What system has been adopted for accounting for the sale of telegraphic and telephonic stamps by the postal authorities, and for the cancellation of such stamps?

Answer. The postage stamps used for franking telegraph messages are stamped and canceled just as those placed upon letters.

Question No. 17. To how many words is the ordinary telegraphic or telephonic message restricted, and what is the charge for such messages?

Answer. There is no limit placed upon the number of words which may be sent in a single telegraphic message. The rate charged is 3 kreutzers (1⅕ cents) per word, though no telegram will be sent for less than 30 kreutzers (12 cents). For local messages, from one station to another in the same city or town, the rate is 1 kreutzer (two-fifths cent) per word, though no message will be sent for less than 20 kreutzers (8 cents).

Question No. 18. What is the general internal tariff for private telegrams and telephonic messages as regulated by the number of words and distances?

Answer. Private telephone conversations, lasting not longer than three minutes, are charged for as follows:

Within the city or town limits, 10 kreutzers (4 cents); for a distance less than 50 kilometers (30 miles), 30 kreutzers (12 cents); for distances between 51 and 100 kilometers (30 and 60 miles), 50 kreutzers (20 cents); for distances between 100 and 150 kilometers (60 and 90 miles), 80 kreutzers (32 cents); for distances beyond 150 kilometers (90 miles), 1 florin (40 cents).

Question No. 19. What is the tariff for press telegrams and telephonic messages?

Answer. No reduction is made in favor of the press in telephone rates; but special rates are given for press telegraphic messages, and, in general, the charges for press night telegrams are: For the first 500 words telegraphed, 5 florins ($2.03), and for every subsequent 100 words, or less, 1 florin (40 cents).

Question No. 20. What is the average number of words sent daily for the press?

Answer. The ministry of commerce declares that its statistics do not supply a complete answer to this question, though the number of words contained in press telegrams handed in daily for transmission in the city of Vienna may average from 55,000 to 60,000.

Question No. 21. What is the annual value of the work performed by the telegraphs and telephones?

Answer. The annual receipts from the Government telegraph lines in Austria for the years 1892 to 1896, inclusive, were as follows:

[Florins changed into dollars.]

1892	$1,705,671
1893	1,872,872
1894	1,968,053
1895	2,098,672
1896	1,930,977

The copies of laws and ordinances relating to telegraphs and telephones in Austria, as enumerated in the accompanying list, are respectfully submitted under a separate cover.

I have the honor to be, sir, your obedient servant,

CHARLEMAGNE TOWER,
United States Minister.

APPENDIX.

IN THE SENATE OF THE UNITED STATES,
April 1, 1898.

Ordered, That Senate Doc. No. 154, Fifty-fifth Congress, first session, Postal Savings Banks in Foreign Countries, be reprinted and bound as an appendix to Senate Doc. No. 39, Fifty-fifth Congress, second session, on the same subject, ordered printed by the Senate.

Attest:

WM. R. COX, *Secretary*.

The document is as follows:

Senate Document No. 154, Fifty-fifth Congress, first session.

POSTAL SAVINGS BANKS IN FOREIGN COUNTRIES.

JUNE 23, 1897.—Referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

Mr. BUTLER presented the following

REPORTS FROM UNITED STATES CONSULS ON THE NATURE AND OPERATION OF POSTAL SAVINGS BANKS IN CERTAIN FOREIGN COUNTRIES, OTHER REPORTS, AND PAPERS.

POSTAL SAVINGS BANKS IN GREAT BRITAIN.

[By Consul Walling, of Leith, 1888.]

My object in this report is to exhibit briefly the conspicuous features of that commendable system known as the postal savings banks, apart from the several other systems of savings banks operating throughout Great Britain.

Postal savings banks have been evolved from what had gone before in efforts made to reach that which appears now to represent the sum of the labor and experience of the legislators and philanthropists, who have been hand in hand in the institution and furtherance of a system of savings banks that would meet the high object to be attained through a guaranty of absolute security and economy of operation.

Those persons who have so zealously given their best efforts to the establishment and maintenance of savings banks have looked beyond the direct good to be accomplished in enabling the poor to provide for a rainy day, to the indirect, larger, and nobler purpose of inculcating habits of thrift and frugality, and nullifying, so far as these habits will, the vices of improvidence and intemperance, which are held to be the twin destroyers of families, the order of society, and the stability of nations.

The claim of priority for Great Britain in the establishment of savings banks has never yielded to that of either Germany or Switzerland that they were earlier in the field. During the twenty years subsequent to the year 1778 a number of schemes were conceived tending to results that were afterwards reached both in Great Britain and on the Continent. That savings banks were an accepted and recognized institution in Great Britain in 1817 is very certain, for in that year they became the subject of legislation, and, until the establishment of the postal-savings banks they were projected and sustained by private influence and governed and maintained without expectation of profit, but purely through motives of benevolence. This system still exists and is known as the "old savings banks." Their imperfection arises from a want of security of a kind to command public confidence. Being dependent, as they largely are, upon the continued solvency of the trustees, the best

intentions toward the depositor does not prevent the occurrence of disasters which shake public confidence and destroy their usefulness, for, while the act of Parliament of 1817 gave greater security as far as it involved the responsibility of the Government, this involvement only comprehended liability to the extent of the funds actually deposited with the State, the Government having no cognizance or supervision of any discrepancy that may occur between the amount held in trust and the total amount of deposits, and as the act fails to fix the liability of trustees, the public may be deluded by a false sense of safety through the supposition that the Government security is ample.

To this cardinal objection to the old system may be added the minor ones, that they are often hampered with rules which, more or less, defeat their object, such as making payments compulsory, placing obstacles in the way of withdrawals, and demanding certificates as to the moral character of depositors, etc.

The disposition of the Government to interpose in the matter of savings banks, manifested by the act of 1817, was destined to be more pronounced later, but notwithstanding the frequent agitation of the question, it was not until May, 1861, that legislation that met public expectation was enacted, and a bill, entitled "An act affording additional facilities for depositing small savings at interest, with the security of the Government for the due repayment thereof," was passed, thereby establishing the postal-savings banks. This bill was offered and its passage secured through the exertions of Mr. Gladstone, who was at that time chancellor of the exchequer, and to him is freely accorded the excellence of its details. It is said that the country at once recognized the universal boon of a bank maintained at the public expense, secured by the public responsibility, with virtually the whole Empire for its capital, with a branch in every town, and its doors open at all hours, and securing to the depositor a fair amount of interest. That the public appreciated the good to come of this institution is evinced by the alacrity with which it bestowed its patronage. On the 16th day of September, 1861, the post-office savings banks were opened to depositors, and on that day 435 deposits were received. At the end of the following year 2,535 offices were open, and nearly £2,000,000 had accumulated, while ten years later, so manifest was the hold upon popular regard, the number of depositors had increased to nearly one and a half millions, and the amount of deposits, including interest, reached something more than £19,000,000.

The last data attainable cover the completions of the workings of the system for a quarter of a century and mark the amazing progress of the institution in public favor. The end of the year 1886 found the number of depositors increased to 3,731,421, and the amount to their credit standing at £50,874,338. At this time nearly every money-order post-office in the Kingdom had a savings-bank attachment, the offices numbering 8,351. If reckoned from the number of accounts open at the end of the year, one person in every ten of the population had availed himself of the privileges of these banks, or, if reckoned from the number of deposits, about one person in every five. It is especially interesting to note that a great preponderance of the depositors were of the poorer classes, indicating that the benefits of the institution were being enjoyed by those for whom it was intended, and that the object of the founders and promoters of the scheme has been eminently realized. The effect of the growth and development of the post-office savings banks upon the old savings banks has been to reduce their number, which was 640 in 1861, to 404 in 1886. The number is being further

reduced by constantly recurring transfers of accounts from the old banks to the new. The policy of discontinuing the old savings banks altogether, or, at any rate, withdrawing what Government support they receive, has been actively advocated in influential quarters, it being urged that the continued maintenance of the old system, involving considerable annual expense, is a waste of charitable effort, as the post-office savings banks offer so many more facilities. Great Britain has long since extended this system of banks to her colonies, and postal-savings banks are an establishsd institution in Canada and Australia. We find that France, Germany, Austria, Italy, Belgium, Holland, and Japan all have in successful operation this system of savings banks. The postmaster-general says in his last report that information concerning the system has been asked by several other Governments.

In what follows I shall endeavor to explain the details of operation of this system of savings banks, together with something of the plans of annuities and life insurance which are operated in conjunction with it. All of the 8,351 postal-savings banks in the United Kingdom are authorized to receive and disburse deposits. These are distributed and governed with the sole view of public convenience, and to accommodate the largest class of patrons, which is composed of the working people. Business is continued until a late hour of the day, and on Saturday deposits are received up to 8 p. m.

Deposits of 1 shilling, or any number of shillings, are received, subject to the limit of £30 in one year, or £150 in all, exclusive of interest. When the principal and interest together standing to the credit of any one depositor amounts to the sum of £200 all interest ceases until the amount is reduced. Interest at the rate of 2½ per cent per annum is allowed on every complete pound deposited, and is computed from the first day of the calendar month next following the day on which a complete pound shall have been deposited, or on which deposits of less amounts shall have made up a complete pound, up to the first day of the calendar month in which moneys are withdrawn. The interest is calculated on December 31, and at that time credited to the account of the depositor. Additional deposits are also received for immediate investment in Government stock for the payment of premiums on insurance and for the purchase of annuities. No account is opened for a deposit of less than 1 shilling, but a person wishing to save as little as 1 penny can do so by the purchase of a penny stamp, which is to be affixed to a form that may be obtained at any post office. When twelve stamps have thus accumulated an account may be opened.

Every depositor on making his first deposit is required to specify his full name, occupation, and place of residence, and make and sign a declaration which pledges that he will abide by the regulations, and that he has no deposit in any other post-office savings bank in Great Britain or Ireland. This declaration must be witnessed by the officer who receives the deposit, the minister or church warden of his parish, or a justice of the peace. Deposits may be made by or for the benefit of any person under 21 years of age, and repayments are made to such minor after the age of 7 years in the same manner as if he were of full age. Under the age of 7 the declaration must be made by one of the parents or a friend on behalf of the minor.

Deposits and withdrawals are allowed to be made by married women separate and distinct from the control of their husbands. Deposits may be made by a trustee on behalf of another person in the joint names of such trustee and the person on whose account such money shall be so deposited; but repayment of the same, or any part thereof,

will not be made without the receipt of both of said parties or the survivor, or the executors or administrators of the survivor. Trustees of any charity, provident, or friendly society, or penny or school bank, or other savings bank, which have been approved by the proper authorities, may deposit their funds without restriction as to the amount in the post office savings bank, provided always that such deposits shall not be of less amount than 1 shilling nor of any sum not a multiple thereof. Deposits are immediately entered in the depositor's book by the officer receiving it, said officer affixing his signature and the stamp of his office to each entry. In addition to this each deposit is acknowledged through the post by the savings-bank department at London. This acknowledgment will be addressed to any designated post-office to be called for.

Once in each year, on the anniversary of the day on which the first deposit was made, if possible, the depositor is expected to forward his deposit book to the controller of the savings bank department at London for comparison with the books of that department, and for the adjustment of the interest. When a depositor wishes to check out or withdraw the whole or any part of the sum standing to his credit he must make application for the same on a printed form which is furnished him. This form, properly filled up, is to be forwarded by post, as if an ordinary letter, to the department at London. In return he receives a warrant for the amount required, which warrant is cashed at any post office savings bank. These forms, as well as the deposit books, are passed through the mails without any postal charges or postage stamps whatever.

While the greatest facilities are offered, and no unnecessary delay is occasioned by the requisition for withdrawals having to go to London, yet, the inconvenience to those living at a considerable distance from London may, at times, be important, and the question of having several centers through which warrants for withdrawls may be issued is being discussed. As an offset to this inconvenience, however, the great boon of virtually having a bank account at once in many places is urged; for, practically, this is true, as deposits can be made or withdrawal warrants secured and made payable in any of the thousands of existing banks, and a depositor may be said, indeed, to carry an account in every city and town throughout the United Kingdom.

The limit of the deposit of any one person being fixed at £200 is supposed to be made through the indisposition of the Government to put itself in competition with the banking community. No very great amount of complaint is made against this restriction, as some relief is found in the investments allowed in Government stock, annuities, and life insurance. The regulations governing these are to be next mentioned. Depositors can become holders of Government stock through the medium of the post-office savings banks. Not less than £10 can be invested at one time, and not more than £100 will be credited to an account in one year, or £300 stock in all. For the purpose of these investments deposits may be made to the value of £100. These sums are altogether irrespective of the limits of ordinary deposits.

The postmaster-general is empowered to insure the lives of persons of either sex for not less than £5 or more than £100. An insurance may be effected by any person not over the age of 65 or under the age of 14 years, or, if the amount does not exceed £5, not under the age of 8 years. The postmaster general is also empowered to grant immediate or deferred annuities for not less than £1 or more than £100 to any person not under the age of 5 years.

All persons whose lives are insured, or to whom annuities are granted, have direct Government security for the full payment of the money at the proper time. All premiums for life insurance or annuities are payable through the medium of the savings banks deposit accounts, and will be accepted in addition to ordinary deposits and deposits for immediate investment in Government stock.

All persons insuring their lives or purchasing annuities necessarily become, if not so already, savings-bank depositors; their premiums are, without any trouble to them, deducted from their deposits. The money in the bank can be increased by deposits of not less than 1 shilling in any post-office savings bank, or by the use of the penny postage-stamp slips the provision can be made in sums of 1 penny at a time. Furthermore, a person may direct that the interest on money deposited may be applied to the purchase of an annuity or the payment of the premium of life insurance.

The subjoined table clearly indicates the steady progress and development of postal-savings banks since their foundation, in September, 1861, to the close of December, 1886. The low cost of management may be noted, and is especially remarkable when it is known to include the extraordinary expense of putting the system into operation.

It will be seen that the average amount standing to the credit of each open account has maintained singular uniformity through the series of years which the table includes, and marks, unerringly, the fact that the people of small means are those who are more largely being benefited by the system. It is a matter of great regret to the writer that he could not include in this table a compilation showing the social grade, or at least the occupation, of the depositors. Such figures are of record, but unfortunately are not in form to be obtained without very considerable expense.

Year.	Number of post-office savings banks.	Number of deposits.	Amount of deposits.	Cost of management.	Number of accounts remaining open at close of the year.	Amount, inclusive of interest, standing to the credit of all open accounts at close of the year.	Average amount standing to credit of each open account at close of the year.		
							£.	s.	d.
From Sept. 16, 1861, to Dec. 31, 1862	2,535	639,216	£2,114,669	£20,591	178,495	£1,698,221	9	10	3
1863	2,991	842,848	2,651,209	25,401	319,669	3,377,480	10	11	4
1864	3,081	1,110,762	3,350,000	45,856	470,858	4,993,123	10	12	1
1865	3,321	1,302,309	3,719,017	49,527	611,384	6,526,400	10	13	6
Average, 1866–1870	3,815	1,802,031	5,232,108	62,803	967,066	11,632,214	12	0	6
1871	4,335	2,362,621	6,664,629	69,427	1,303,492	17,025,004	13	1	2½
1872	4,607	2,745,245	7,699,916	78,404	1,442,448	19,318,339	13	7	10
1873	4,853	2,917,698	7,955,740	84,160	1,556,645	21,167,749	13	11	11½
1874	5,068	3,044,692	8,341,256	99,616	1,668,733	23,157,469	13	17	6½
1875	5,260	3,132,433	8,783,852	122,325	1,777,103	25,187,345	14	3	5½
1876	5,448	3,166,136	8,982,350	125,912	1,702,374	26,996,550	15	17	1½
1877	5,668	3,267,851	9,166,738	152,184	1,791,240	28,740,757	16	0	11
1878	5,831	3,360,636	9,485,391	448,543	1,892,756	30,411,563	16	1	4
1879	6,016	3,347,828	9,887,109	192,280	1,988,477	32,012,134	16	2	0
1880	6,233	3,755,689	10,801,152	188,891	2,184,972	33,744,637	15	8	11
1881	6,513	5,699,876	11,867,155	200,574	2,607,612	36,194,495	13	17	7
1882	6,999	6,151,469	12,821,230	221,653	2,858,976	39,037,821	13	13	1
1883	7,369	6,297,368	13,575,167	248,180	3,105,642	41,768,808	13	9	0
1884	7,756	6,458,707	14,510,411	248,618	3,333,675	44,773,773	13	8	7
1885	8,106	6,474,484	15,034,694	256,402	3,535,650	47,697,838	13	9	10
1886	8,351	6,562,395	15,696,852	290,555	3,731,421	50,874,338	13	12	8

The average percentage of cost of management for the whole number of years to the total funds in possession of the post-office savings banks is something less than five-eighths of 1 per cent. It will be noted

that the money specified in above table is British. The value in dollars can be closely approximated by multiplying by five. The increase above shown in the cost of management in 1864 is caused by the payment during that year of various charges belonging to 1863. The outlay for management in 1878 includes the sum of £214,434 for arrears of postage for the nine years from April 1, 1868, to March 31, 1877, and also £73,419 paid on account of buildings for offices. In 1879 and 1880 the cost includes the sums of £25,564 and £16,373, respectively, paid for the same purpose. These several sums are taken into account in the calculation, which brings the expense of management to the remarkably low rate of five-eighths of 1 per cent.

WILLOUGHBY WALLING, *Consul.*

LEITH, *April 2, 1888.*

THE ENGLISH POSTAL SAVINGS BANK SYSTEM.

[Report by Consul Lathrop, of Bristol.]

Circumstances indicate the establishment in the near future in the United States of a postal savings bank system, therefore some interest will probably attach to the figures presented in the recently issued report of the English postmaster-general. It appears that not only has each succeeding year of the twenty-two that have elapsed since the savings bank was inaugurated shown a decided increase in the volume of business, but that the system is rapidly becoming all but universal, as nations one by one are beginning to appreciate its great merit as an encouragement to thrift and industry. Not only is it desirable to place every incentive toward saving before individuals of a nation for their own sake, but also for the ultimate benefit of the nation itself; the gain to which is both immediate and direct. It is universally admitted that the wonderful and unprecedented recovery of the French nation from its financial war embarrassments was due mostly to the number and amount of the small hoardings of the small farmers and peasants whose depository was some dark corner of the cottage, a constant source of anxiety and productive of no interest. But the French Government has, in the last two years, provided a secure place of deposit by establishing a postal bank; so also has Austria, whose Emperor made the first deposit on the first day of this year. The Netherlands, Italy, Canada, and portions of Australia are maintaining the system, while Sweden, Switzerland, and some of the British colonies are making inquiries with a view to its adoption.

In the English system the requirements are surprisingly few and simple, and the checks to fraud secure and effectual. Deposits of one shilling are received, the limit being £30 per year, or £150 altogether from one depositor. Single pennies may be saved by purchasing stamps with them, the stamps being then affixed to a prescribed form, and paid in as a shilling deposit when twelve are accumulated. Each depositor gets a book in which deposits are credited, besides which he receives in due course through the mail a receipt from the head office at London for each amount. Interest is allowed at the rate of 2½ per cent and is credited each year, on the anniversary of the first deposit, in the depositor's book, which is supposed to be forwarded at that time to London for the purpose. The books, as well as all matters pertaining to the savings bank department, travel postage free and are mailed unstamped.

It is further provided that if a depositor's account foot up a certain amount, he may, if he desires, transfer it into Government stock. Should a depositor make application for this transfer, he is charged with the market price of the stock and a commission and a "certificate of investment" is sent him.

Withdrawals are easily effected, and deposits can be taken out with but little delay at any post-office desired; the only step necessary being to procure a warrant from the head office at London, which will be cashed on presentation with the pass book at the designated post-office.

It is provided by law that the authorities controlling "charitable" and "provident" societies and "penny banks" may, on filing a copy of their rules, be allowed to deposit considerably beyond the usual limit, or even under certain circumstances without restriction as to amount. Under this law authority was given last year to 1,533 societies to deposit their funds in the savings bank, and a similar permission was accorded to 283 penny banks, 151 of which were in schools, where direct effort is made by means of circulars, suggestions from teachers, etc., to encourage habits of saving and self-denial. In London alone, in the year 1881, the sum of £1,416 was deposited by some 4,500 depositors in the London Board School Penny Banks.

But this fatherly care manifested by school boards in the savings of their flocks is equaled by the Government in its endeavors to encourage laborers to thrift, and the result is seen in a practice which, though most excellent in itself, could only exist amongst the "paternal" governments of Europe. It would justly be considered by the American laborer an unwarrantable interference were the nearest post-office to send a clerk to stand at his side on pay day and encourage him to make a deposit then and there in the postal savings bank; yet such a practice has been pursued in England for years, and with success. The following table gives a list of some of the visits made during the year 1882, together with the number of depositors and amount of deposits:

Name of works, etc.	Number of visits during 1882.	Deposits.		Remarks.
		Number.	Amount.	
			£ s. d.	
Messrs. Bass & Co.'s Brewery, Burton-on-Trent.	60	198	172 15 0	Ceased July 29, 1882.
Washford Mills, Needle and Fish Hook Manufactory, Redditch.	12	61	40 12 0	
Windsor Street Gas Works, Birmingham....	15	4	9 7 0	Ceased Apr. 14, 1882.
Saltley Gas Works, Birmingham	52	15*	18 19 0	Ceased Jan. 5, 1883.
Messrs. Hazell & Co.'s Printing Works Aylesbury.	52	232	140 16 0	
Messrs. Hazell & Co.'s Printing Works, Kirby street, London.	37	78	36 3 0	Commenced Apr. 22, 1882, and ceased Jan. 27, 1883.
Jewish Working Men's Club and Institute, Aldgate.	50	88	68 4 0	
Holy Trinity, Kilburn Branch of Church of England Temperance Society, Kilburn, Manor Terrace.	26	84	80 10 0	
Shustoke Reservoir Works, Birmingham....	31	87	122 7 0	Ceased Aug. 5, 1882.
Steam Sewing Mills, Newcastle, Staff.....	36	211	19 8 0	Commenced Apr. 22, 1882.
Weekly Meetings of "Blue Ribbon (Temperance) Army," Albert Hall, Swansea.	39	732	278 5 0	Commenced Apr. 8, 1882.
Weekly Meetings of "Blue Ribbon Army," Temperance Hall, Walsall.	7	28	12 14 0	Commenced Oct. 14, 1882, and ceased Nov. 25, 1882.
Total	417	1,818	991 0 0	

The total amount deposited in the postal savings bank (exclusive of Government stock) on the 31st December, 1882, was £39,037,821, an increase over the previous year's deposits of nearly three million

sterling, the largest annual progress ever made. The amount of interest credited to depositors was £891,629. The average amount of each deposit was £2, and of each withdrawal £5 5s. The daily average of deposits was 20,235 in number and £42,175 in amount; and of withdrawals, 6,357 in number and £34,116 in amount. The greatest number of deposits made on one day was 43,508, and the largest amount was £113,899. There were 788,858 accounts opened during the year, and 537,494 closed, leaving, on December 31, 1882, 2,858,976 open accounts, apportioned as follows:

Country.	Number.	Proportion to population.	Average balance due to each depositor.
			£ s. d.
England and Wales	2,643,785	or 1 to 10	13 14 10
Scotland	108,701	or 1 to 35	7 3 9
Ireland	106,490	or 1 to 48	18 1 7

The total amount of Government stock standing at the credit of depositors at the close of the year was £1,143,717, held by 16,609 persons. The average amount of stock held by each person at the end of the year was nearly £69. The transactions were apportioned as follows:

Country.	Investments.		Sales.		Stock certificates.	
	Number.	Amount.	Number.	Amount.	Number.	Amount.
		£ s. d.		£ s. d.		£ s. d.
England and Wales	10,714	519,833 18 11	3,785	151,458 0 9	61	4,650 0 0
Scotland	216	8,773 13 3	118	5,305 5 3	4	300 0 0
Ireland	1,223	59,603 11 3	452	20,549 1 3	12	1,200 0 0

I append several very complete and interesting tables from the postmaster-general's report, from which a most thorough knowledge of the workings of the postal savings bank of Great Britain may be gained.

Value of securities held on account of post-office savings banks at average price on the 31st December, 1882.

Securities standing in the names of the commissioners for the reduction of the national debt on account of the post-office savings banks fund.		Value of securities at average price on December 31, 1882.	Dividends accrued but not received at the end of the year.
	£ s. d.	£ s. d.	£ s. d.
Consolidated 3*l.* per cents	8,810,698 10 9	8,898,806 0 0	128,569 3 2
Reduced 3*l.* per cents	3,807,906 5 0	3,850,745 0 0	.....
New 3*l.* per cents	9,474,915 13 8	9,581,508 0 0	.....
New 2½*l.* per cents	1,591,430 11 2	1,368,630 0 0	19,352 6 3
Turkish guaranteed 4*l.* per cent bonds	103,100 0 0	107,739 0 0	.....
Exchequer (March) bills	20,000 0 0	19,990 0 0	182 9 3
Exchequer bonds	750,000 0 0	750,000 0 0	8,225 11 8
Exchequer (Suez) bonds	1,547,600 0 0	1,547,600 0 0	15,262 4 10
Bonds per 32 and 33 Vict., c. 42, and 43 Vict., c. 4, repayable by Irish land commission, as legal successors to the commissioners of church temporalities in Ireland, per 44 and 45 Vict., c. 71, and bonds per 45 and 46 Vict., c. 62	650,000 0 0	650,000 0 0	.....
Canada guaranteed 4*l.* per cent bonds	37,500 0 0	42,562 0 0	.....
Advance to public works loan commissioners	2,077,816 14 0	2,077,817 0 0	15,536 13 5
Annuities for terms of years, expiring at various periods of the year 1885	2,642,770 19 9	a 6,844,488 0 0	.....
Annuity under revenue, friendly societies, and national debt act, 1882 (45 and 46 Vict., c. 72 s. 23), expiring September 8, 1892	5,428 18 8	a 46,504 0 0	.....

a Value, inclusive of interest, to December 31, 1881.

Value of securities held on account of post-office savings banks at average price on the 31st December, 1882—Continued.

Securities standing in the names of the commissioners for the reduction of the national debt on account of the post-office savings banks fund.	£ s. d.	£ s. d.	£ s. d.
Annuity for a term of years, granted to repay advances per act 32 and 33 Vict., c. 42, payable by Irish land commission as legal successors to the commissioners of church temporalities in Ireland, per 44 and 55 Vict., c. 71, expiring December 31, 1905	138,800 0 0	a 2,236,163 0 0	.....
Annuity under Indian loan act, 1881, expiring July 5, 1906	115,864 10 0	a 1,950,890 0 0	.....
Red Sea and Indian telegraph annuity, expiring August 4, 1906	3,100 0 0	a 47,275 0 0	.....
Annuities of an amount sufficient to repay sums advanced under pensions commutation acts, 32 and 33 Vict., c. 32, and 34 and 35 Vict., c. 36, to December 31, 1880	96,022 8 0	a 348,308 0 0	.....
Advances under pensions commutation act during year ended December 31, 1882, per 34 and 35 Vict., c. 36, in respect of which an annuity has not been granted	209,965 12 6	209,966 0 0	4,107 12 6
		40,578,936 0 0	191,236 1 1
Add value of securities	.....	.....	40,578,936 0 0
cash balance in Bank of England	.....	.....	92,468 2 3
			40,862,640 3 4

a Value, inclusive of interest, to December 31, 1881.

POST-OFFICE SAVINGS BANKS.

Years.	Number of post-office savings banks.	Number of deposits.	Amount of deposits.	Average amount of each deposit.	Interest credited to depositors.	Number of withdrawals.	Amount of withdrawals.
				£ s. d.			
From Sept. 16, 1861, to Dec. 31, 1862	2,535	639,216	£2,114,669	3 6 2	£22,189	97,294	£438,637
1863	2,991	842,848	2,651,209	3 2 11	55,204	197,431	1,027,154
1864	3,081	1,110,762	3,350,000	3 0 3	100,493	309,242	1,834,849
1865	3,321	1,302,309	3,719,017	2 17 1	132,870	407,412	2,318,610
1866	3,507	1,525,871	4,400,657	2 17 8	169,172	515,348	2,975,054
1867	3,629	1,592,344	4,643,906	2 18 4	207,649	581,972	3,222,800
1868	3,813	1,757,303	5,333,638	3 0 8	252,897	637,144	3,669,809
1869	4,047	1,998,644	5,787,218	2 17 10	297,392	716,466	4,227,056
1870	4,082	2,135,993	2,995,121	2 16 1	337,961	787,172	4,758,187
1871	4,335	2,362,621	6,664,629	2 16 5	376,738	845,279	5,115,467
1872	4,607	2,745,245	7,699,916	2 16 1	430,079	933,975	5,836,660
1873	4,853	2,917,698	7,955,740	2 14 6	477,851	1,025,333	6,584,181
1874	5,068	3,044,692	8,341,256	2 14 10	524,559	1,069,669	6,876,095
1875	5,260	3,132,433	8,783,852	2 16 1	571,584	1,112,637	7,325,560
1876	5,448	3,166,136	8,982,350	2 16 9	619,331	1,195,603	7,792,477
1877	5,668	3,267,851	9,166,738	2 16 1	661,459	1,252,965	8,083,991
1878	5,831	3,360,636	9,485,391	2 16 5	699,603	1,304,617	8,514,183
1879	6,016	3,347,828	9,887,109	2 19 1	743,636	1,418,543	9,030,174

English post-office savings banks—Continued.

Year.	Average amount of each withdrawal.	Charges of management.	Average cost of each transaction, viz, of each deposit or withdrawal.	Number of accounts opened.	Number of accounts closed.	Number of accounts remaining open at close of the year.	Amount, inclusive of interest, standing to credit of all open accounts at close of the year.
	£ s. d.		s. d.				
From Sept. 16, 1861, to Dec. 31, 1862	4 10 2	£20,591	6 7/16	205,928	27,433	178,495	£1,698,221
1863	5 4 0	25,401	a 5 5/16	185,934	44,760	319,669	3,377,480
1864	5 18 8	45,856	a 7 7/16	226,153	74,964	470,858	4,993,123
1865	5 13 10	49,527	6 9/16	239,686	99,160	611,384	6,526,400
1866	5 15 4	59,451	6 7/16	266,542	131,672	746,254	8,121,175
1867	5 10 9	62,700	6 9/16	264,341	155,612	854,983	9,749,929
1868	5 15 2	61,860	b 6 3/16	289,366	179,195	965,154	11,666,655
1869	5 17 11	62,060	5 5/16	323,723	203,092	1,085,785	13,524,209
1870	6 0 10	67,945	5 5/16	333,648	236,280	1,183,153	15,099,104
1871	6 1 0	69,427	5 3/16	479,745	250,406	1,303,492	17,025,004
1872	6 4 11	78,404	5 1/16	424,843	285,887	1,442,448	19,318,339
1873	6 8 5	84,160	5 1/16	433,478	319,281	1,556,645	21,167,749
1874	6 8 7	99,616	5 3/16	442,501	330,413	1,668,733	23,157,469
1875	6 11 8	122,325	6 7/16	438,836	330,466	1,777,103	25,187,345
1876	6 10 4	125,912	6 1/16	437,033	c 511,762	c 1,702,374	26,996,550
1877	6 9 0	152,184	b 8 1/16	453,221	c 364,355	c 1,791,240	28,740,757
1878	6 10 6	d 448,543	d 11 1/16	447,549	346,033	1,892,756	30,411,563
1879	6 7 4	e 192,280	e 9 7/16	445,500	349,779	1,998,477	32,012,134

a The falling off in the cost per transaction and in the percentage of cost of management in 1863 and the increase in these items in 1864 are attributable to one and the same cause, viz, to the payment during 1864 of various charges properly belonging to 1863.

b In 1868 the charge for postage, amounting to about ¾d. per transaction, ceased to be debited against the savings-bank department, but in 1877 the sum of 22,543l. 12s. was charged under this head for nine months. Had no charge for postage been made in this year, the cost per transaction would have continued at 6 3/16d.

c 167,380 accounts having small balances, which had had no transactions for a considerable period, were transferred to the dormant account in the year 1876, and a similar transfer of 21,779 accounts was made in 1877, the number of open accounts in those years being reduced accordingly. The total number of such accounts included in the dormant account at the end of 1879 was 187,567.

d The sum of 448,543l. for charges of management in 1878 includes 214,434l. for arrears of postage for the nine years from 1st April, 1868, to 31st March, 1877, and also 73,419l. paid on account of the new building in Queen Victoria street and its site. The effect of these additions to the charges proper to the year is to raise the cost of a transaction to 1s. 11 1/16d., and the percentage of expenses to capital to 1l. 9s. 6d. If the working charges proper to the year 1878 only are taken into account, including 5 per cent upon the expenditure in respect of the new building, the cost per transaction will be 8 7/16d., and the percentage of expenses to capital 10s. 7¾d. Further, if the arrears of postage charged to the year 1878 be added to the expenses of the years which they affect, viz, 1868 to 1877, inclusive, the average annual cost of a transaction for those years will be 7¼d., and the average percentage of expenses to capital will be 11s. 3¼d.

e The sum of 192,280l. for charges of management in 1879 includes the sum of 25,564l. paid in respect of the new building. Omitting this amount, but adding interest at the rate of 5 per cent thereon, as well as on the expenditure of 73,419l. for similar purposes in 1878, the cost per transaction will be 8 3/16d. and the percentage of expenses to capital 10s. 8¾d.

English post-office savings banks—Continued.

Year.	Average amount standing to credit of each open account at close of the year.	Percentage of cost of management to total funds in possession of the post-office savings bank.	Total sum standing to credit of post-office savings banks on books of national debt commissioners at close of the year.	Balance in hands of Postmaster-General, after making provision for outstanding warrants, at close of the year.	Total balance in hand, applicable to payment of depositors, at close of the year. a	Number at close of the year of old savings banks and post-office banks combined.	Number at close of the year of the depositors in old savings banks and post-office banks combined.
	£ s. d.	£ s. d.					
From Sept. 16, 1861, to Dec. 31, 1862	9 10 3	1 4 3	a £1,659,032	£35,692	£1,694,724	3,157	1,732,555
1863	10 11 4	b 0 15 0	a 3,328,182	44,413	3,372,595	3,594	1,876,389
1864	10 12 1	b 0 18 4	a 4,995,663	5,522	5,001,185	3,659	1,967,668
1865	10 13 6	0 15 2	a 6,582,329	4,327	6,586,656	3,822	2,078,346
1866	10 17 7	0 14 7¾	a 8,231,176	25,791	8,256,967	4,958	2,156,290
1867	11 8 0	0 12 10¼	9,867,703	47,690	9,915,393	4,268	2,239,347
1868	12 1 9	0 10 7¼	11,963,053	.....	11,899,400	4,331	2,336,654
1869	12 9 1	0 9 2	13,755,547	19,386	13,774,933	4,554	2,464,510
1870	12 15 3	0 9 0	15,305,040	158,888	15,463,928	4,578	2,567,909
1871	13 1 3	0 8 2	17,303,815	166,456	17,470,271	4,895	2,702,570
1872	12 7 10	0 8 1½	19,559,804	301,070	19,860,874	5,087	2,867,595
1873	12 12 0	0 7 11¼	21,745,442	82,850	21,828,292	5,334	3,002,134
1874	13 17 7	0 8 7¼	24,030,711	.....	24,016,836	5,543	3,134,871
1875	14 3 6	0 9 8½	26,127,967	94,518	26,222,485	5,731	3,255,268
1876	15 17 2	0 9 3¾	28,004,732	106,833	28,111,565	5,912	3,195,761
1877	16 0 11	0 10 7	29,713,529	104,057	29,817,586	6,126	3,301,987
1878	16 1 4	1 9 6	30,946,963	242,362	31,189,325	6,285	3,408,466
1879	16 2 0	0 12 0	32,689,001	112,948	32,801,949	6,465	3,495,191

a These sums do not include the dividends accruing to the post-office savings banks on the 5th of January (that is, five days after the close of the account in each year), up to the year 1866, inclusive, but after that year the securities belonging to the banks have been valued by the commissioners for the reduction of the national debt, and the amount, including dividends due but not paid at the end of the year, has been inserted in the above return.

b The falling off in the cost per transaction and in the percentage of cost of management in 1863 and the increase in these items in 1864 are attributable to one and the same cause, viz, to the payment during 1864 of various charges properly belonging to 1863.

English postal savings banks—Statistics for the years 1880, 1881, and 1882.

Description.	1880.	1881.	1882.
Number of post-office savings banks	6,233	6,513	6,999
Number of deposits	3,755,689	5,699,876	6,151,469
Ordinary	3,754,064	5,676,066	6,110,208
For immediate investment in stocks	1,625	10,382	10,047
Sales of stock and stock certificates obtained a	(b)	2,125	4,432
Dividends	(c)	11,303	26,782
Total	3,755,689	5,699,876	6,151,469
Amount of deposits	£10,301,152	£11,867,155	£12,821,239
Ordinary	£10,219,631	£11,345,957	£12,227,528
For immediate investment in stock	79,641	427,312	382,847
Sales of stock and stock certificates obtained a	1,880	83,447	184,322
Dividends	(c)	10,439	26,533
Total	10,301,152	11,867,155	12,821,239
Average amount of each ordinary deposit	£2 14 5	£2 0 0	£2 0 0

a When stock is sold or a stock certificate obtained, the amount is placed to the credit of the savings bank account, so as to be dealt with as a withdrawal.

b The numbers of these transactions were not included for the year 1880.

c The first dividend upon stock bought through the post-office savings bank was not due until 5th January, 1881.

English postal savings banks—Statistics for the years 1880, 1881, and 1882—Cont'd.

Description.	1880.	1881.	1882.
Interest credited to depositors	£777,985	£826,990	£891,629
Number of withdrawals	1,465,331	1,728,700	1,935,129
Ordinary	1,465,300	1,712,866	1,918,544
Investments in stock	(a)	13,709	12,153
Sales of stocks and stock certificates obtained	31	2,125	4,432
Total	1,465,331	1,728,700	1,935,129
Amount of withdrawals	£9,346,634	£10,244,287	£10,869,534
Ordinary	£9,216,564	£9,469,668	£10,094,974
Investments in stock, including commission	128,190	691,156	590,225
Sales of stock and stock certificates obtained, including commission and fees	1,880	83,463	184,335
Total	9,346,634	10,244,287	10,869,534
Average amount of each ordinary withdrawal	£6 5 9	£5 10 7	£5 5 3
Charges of management	b £188,891	£200,574	£221,653
Average cost of each transaction, namely, of each deposit or withdrawal in the year 1880, and of each deposit, withdrawal, or stock transaction, in the years 1881 and 1882	b c $8\frac{1}{10}$d.	$6\frac{8}{10}$d.	$6\frac{8}{10}$d.
Number of accounts opened	554,658	880,831	788,858
Number of accounts closed	358,163	458,191	537,494
Number of accounts remaining open at close of the year	2,184,972	2,607,612	2,858,976
Amount, inclusive of interest, standing to credit of all open accounts	£23,744,637	£36,194,495	£39,037,821
Average amount standing to credit of each open account	£15 8 11	£13 17 7	£13 13 1
Percentage of cost of management to total funds in possession of the post-office savings bank	b 11s. $2\frac{1}{4}$d.	11s. 1d.	11s. $4\frac{1}{4}$d.
Total sum standing to credit of post-office savings banks on books of national debt commissioners at close of the year	£34,375,936	£36,509,923	£40,862,640
Balance in hands of postmaster-general after making provision for outstanding warrants at close of the year	£232,945	£236,453	£145,924
Estimated value of the central savings bank premises in Queen Victoria street	.....	.....	£120,000
Total value of assets applicable to payment of depositors	£34,608,881	£36,746,376	£41,128,564
Number at close of the year of old savings banks and post-office savings banks combined	6,675	6,950	7,429
Number at close of the year of depositors in old savings banks and post-office savings banks combined	3,704,777	4,140,098	4,411,958

a The numbers of these transactions were not included for the year 1880.

b The sum of 188,891*l* for charges of management in 1880 includes 16,373*l*. paid in respect of the new building. Omitting this amount, the cost per transaction was $7\frac{8}{10}$d., and the percentage of expenses to capital 10s. $2\frac{1}{4}$d.

c If the stock transactions for the year 1880 had been included, the average cost per transaction for that year would still have remained the same, viz., $8\frac{1}{10}$d.

English Post-Office Savings Bank.

BALANCE SHEET.

Return of the balance sheets of the post-office savings banks for the year 1882, showing the balance due to depositors, the amount of expenses remaining unpaid, the value of securities according to the average price of the day on 31st December, 1882, amount of cash in hand, and dividends accrued but not received at the end of the year, etc., and the surplus of assets over liabilities.

Liabilities.	£ s. d.	Assets.	£ s. d.	£ s. d.
Balance due to depositors on December 31, 1882 (including interest).	39,037,821 3 1	Value of securities according to the average price of the day on December 31, 1882.	40,770,172 1 1	
Amount of expenses remaining unpaid (partly estimated).	3,374 10 0	Amount of cash in hands of commissioners for the reduction of the national debt.	92,468 2 3	
Surplus of assets over liabilities.	2,082,369 3 7	Total amount in the hands of the commissioners for the reduction of the national debt.	.....	40,862,640 3 4

Return of the balance sheets of the post-office savings banks for the year 1882, showing the balance due to depositors, the amount of expenses remaining unpaid, etc.—Continued.

Liabilities.	£ s. d.	Assets.	£ s. d.	£ s. d.
		Amount received for issuing new deposit books.	1,779 19 4	
		Less, amount paid to the national debt commissioners.	883 4 4	
				896 15 0
		Amount in the hands of Her Majesty's postmaster-general.	186,779 6 4	
		Less amounts required to meet warrants issued to depositors, but not cashed on December 31, 1882.	41,751 8 0	
				145,027 18 4
		Value of the central savings bank premises in Queen Victoria street, E. C.	.....	120,000 0 0
Total.....	41,128,564 16 8			41,248,564 16 8

	£ s. d.
Total amount received from depositors, including interest, to December 31, 1882	159,129,230 6 6
Total amount repaid to depositors to December 31, 1882	120,091,409 3 5
Number of transactions:	
Deposits	55,857,464
Withdrawals	19,537,262
Number of accounts:	
Opened	8,453,374
Closed	5,594,398
Remaining open	2,858,976

The total cost of the post-office savings banks from their establishment to December 31, 1882, including the sum of 8,374*l.* 10s. 0d. charged as above, was 2,447,735*l.* 2s. 10¼d.

The total number of transactions, i. e., deposits and withdrawals, in the period was 75,394,726.

The average cost of each transaction from the commencement of post-office savings bank business to the end of the year 1882 was 7$\frac{7}{10}$d.

Prior to the passage of the post-office savings bank act, 1861, it was estimated (see Parliamentary Paper, No. 523, 1861) that the average cost of each transaction would be 7d.

The sums of £126,279 14s. 11d., £147,116 16s. 0d., £77,787 12s. 1d., £125,345 4s. 11d., £144,879 3s. 11d., and £123,139 0s. 1d. have been paid into the exchequer out of the funds of the post-office savings banks in the years 1877, 1878, 1879, 1880, 1881, and 1882, respectively, under sec. 14 of the act 40 Vict., c. 13, being the excess of interest which had accrued during the years 1876, 1877, 1878, 1879, 1880, and 1881. The sum of £70,000, the cost of the site of the new savings bank building in Queen Victoria street, and £43,420 toward the cost of the new building, have been paid for out of the funds of the post-office savings banks.

Investments in Government stock.

	1880.*	1881.	1882.
Number of stock accounts opened	2,162	11,019	7,551
Number of stock accounts closed	31	1,338	2,754
Number of stock accounts remaining open at close of the year	2,131	11,812	16,609
Number of investments	2,230	13,709	12,153
Number of sales	9	2,023	4,355
Number of stock certificates obtained	22	102	77
Number of deposits for immediate investment	1,625	10,382	10,047
Amount of deposits for immediate investment	£79,641	£427,312	£382,847
Average amount of each deposit for immediate investment	£49	£41 3*s.* 2*d.*	£38 2*s.* 1*d.*
Number of savings bank accounts opened with deposits for immediate investment	563	2,875	1,913
Amount of money invested	£128,013	£690,181	£589,395

	1880.	1881.	1882.
From deposits made for the purpose	£79,641	£427,312	£382,847
From existing deposits	48,372	362,869	206,548
	128,013	690,181	589,395

	1880.	1881.	1882.
Amount of commission and Bank of England fees	£177	£1,112	£1,112

	1880.	1881.	1882.
	£ *s.*	£ *s.*	£ *s.*
Commission	175 10	1,104 10	1,105 17
Bank of England fees	1 10	7 10	6 3
	177 0	1,112 0	1,112 0

	1880.	1881.	1882.
	£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*
Amount of stock bought	129,514 0 0	694,957 0 0	588,211 0 0
Average amount of each purchase of stock	58 1 6	50 13 10	48 8 0
Amount of stock sold	385 0 0	75,868 0 0	177,122 0 0
Average amount of each sale of stock	42 15 6	37 10 0	40 14 0
Amount of stock certificates obtained	1,500 0 0	7,700 0 0	6,150 0 0
Amount of stock transferred to old savings banks	.....	50 0 0	190 0 0
Amount of stock remaining to credit of stockholders at close of the year	127,629 0 0	738,968 0 0	1,143,717 0 0
Average amount of stock remaining to credit of each stockholder at close of the year	59 17 9	62 11 8	68 17 3

* From November 22 to December 31.

LORIN A. LATHROP, *Consul.*

UNITED STATES CONSULATE,
Bristol, August 31, 1883.

LAW OF MAY 17, 1861 (24° VICTORIÆ), ESTABLISHING THE PRESENT POST-OFFICE SAVINGS BANKS SYSTEM OF GREAT BRITAIN.

CAP. XIV.—An act to grant additional facilities for depositing small savings at interest, with the security of the Government for due repayment thereof.

Whereas it is expedient to enlarge the facilities now available for the deposit of small savings, and to make the general post-office available for that purpose, and to give the direct security of the State to every such depositor for repayment of all monies so deposited by him, together with the interest due thereon:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

1. It shall be lawful for the postmaster-general, with the consent of the commissioners of Her Majesty's treasury, to authorize and direct

such of his officers as he shall think fit to receive deposits for remittance to the principal office, and to repay the same, under such regulations as he, with the concurrence of the commissioners of Her Majesty's treasury, may prescribe in that respect.

2. Every deposit received by any officer of the postmaster-general appointed for that purpose shall be entered by him at the time in the depositor's book, and the entry shall be attested by him and by the dated stamp of his office, and the amount of such deposit shall, upon the day of such receipt, be reported by such officer to the postmaster-general, and the acknowledgment of the postmaster-general, signified by the officer whom he shall appoint for the purpose, shall be forthwith transmitted to the depositor, and the said acknowledgment shall be conclusive evidence of his claim to the repayment thereof, with the interest thereon, upon demand made by him on the postmaster-general; and, in order to allow a reasonable time for the receipt of said acknowledgment, the entry by the proper officer in the depositor's book shall also be conclusive evidence of title from ten days from the lodgment of the deposit; and if the said acknowledgment shall not have been received by the depositor through the post within ten days, and he shall before or upon the expiry thereof demand the said acknowledgment from the postmaster-general, then the entry in his book shall be conclusive evidence of title during another term of ten days, and toties quoties: *Provided always*, That such deposits shall not be of less amount than one shilling, nor of any sum not a multiple thereof.

3. On demand of the depositor or party legally authorized to claim on account of a depositor, made in such form as shall be prescribed in that behalf, for repayment of any deposit, or any part thereof, the authority of the postmaster-general for such repayment shall be transmitted to the depositor forthwith, and the depositor shall be absolutely entitled to repayment of any sum or sums that may be due to him within ten days at farthest after his demand shall be made at any post-office where deposits are received or paid.

4. The officers of the postmaster-general engaged in the receipt or payment of deposits shall not disclose the name of any depositor nor the amount deposited or withdrawn, except to the postmaster-general, or to such of his officers as may be appointed to assist in carrying this act into operation.

5. All monies so deposited with the postmaster-general shall forthwith be paid over to the commissioners for the reduction of the national debt; and all sums withdrawn by depositors, or by parties legally authorized to claim on account of depositors, shall be repaid to them out of the said monies, through the office of Her Majesty's postmaster-general.

6. If at any time the fund to be created under the authority of this act by the investment of the deposits shall be insufficient to meet the lawful claims of all depositors, it shall be lawful for the commissioners of Her Majesty's treasury, upon being duly informed thereof by the commissioners for the reduction of the national debt, to issue the amount of such deficiency out of the consolidated fund of the United Kingdom, or out of the growing produce thereof; and the said commissioners of Her Majesty's treasury shall certify such deficiency to Parliament.

7. The interest payable to the parties making such deposit shall be at the rate of two pounds ten shillings per centum per annum, but such interest shall not be calculated on any amount less than one pound or some multiple thereof, and not commence until the first day of the

calendar month next following the day of deposit, and shall cease on the first day of the calendar month in which such deposit is withdrawn.

8. Interest on deposits shall be calculated to the 31st day of December in every year, and shall be added to and become part of the principal money.

9. The monies remitted to the commissioners for the reduction of the national debt under the authority of this act shall be invested in some or in all of the securities in which the funds of savings banks established under the existing laws may be invested; and a separate and distinct account shall be kept by the said commissioners of all receipts, investments, sales, and repayments; and a balance sheet of such account from the first day of January to the thirty-first of December in every year shall be laid before both Houses of Parliament not later than the thirty-first of March in every year.

10. If any depositor making deposit under this act shall desire to transfer the amount of such deposit to a savings bank, established under the acts relating to savings banks, he shall, upon application to the chief office of the postmaster-general, be furnished with a certificate stating the whole amount which may be due to him, with interest, and thereupon his account under this act shall be closed; and upon delivery of such certificate to the trustees or managers of the savings bank to which it is proposed by the depositor to transfer such deposit, they shall, if they think fit, open an account for the amount stated in such certificate for such depositor, who shall thereupon be subject to the rules of such savings bank; and the amount so transferred shall, upon such certificate being forwarded to the commissioners for the reduction of the national debt, be written off in the books of the said commissioners from the amount of monies received under the authority of this act, and shall be carried to the account of the savings bank to which such transfer shall have been made; and in like manner, if any depositor in a savings bank, established under the savings bank acts, shall desire to transfer the amount due to him, with interest, from such savings bank to the postmaster-general for deposit under the provisions of this act, the trustees or managers of such savings bank shall, upon his request, furnish such depositor with a certificate, in a form to be approved by the commissioners, for the reduction of the national debt, signed by two trustees of such savings bank, and thereupon his account with such savings bank shall be closed, which certificate the depositor may deliver to any officer of the postmaster-general authorized to receive deposits under this act, and such certificate shall, for the amount therein set forth, be considered to be a deposit made under the authority of this act, and, being forwarded to the said commissioners, the said amounts shall then be transferred in the books of the said commissioners from the account of the said savings bank to the credit of the account of monies deposited under the authority of this act: *Provided always*, That nothing contained in this act respecting savings banks shall render it necessary to have the rules and regulations of any savings bank again certified if the same have been before certified according to law.

11. The postmaster-general, with the consent of the commissioners of Her Majesty's treasury, may make and, from time to time, as he shall see occasion, alter regulations for superintending, inspecting, and regulating the mode of keeping and examining the accounts of depositors, and with respect to the making of deposits and to the withdrawal of deposits and interest, and all other matters incidental to the carrying this act into execution in his department, and all regulations so made shall be binding on the parties interested in the subject-matter

thereof to the same extent as if such regulations formed part of this act; and copies of all regulations issued under the authority of this act shall be laid before both Houses of Parliament within fourteen days from the date thereof, if Parliament shall be then sitting, and if not then within fourteen days from the next reassembling of Parliament.

12. An annual account of all deposits received and paid under the authority of this act, and of the expenses incurred during the year ended the thirty-first of December, together with a statement of the total amount due at the close of the year to all depositors, shall be laid by the postmaster-general before both Houses of Parliament not later than the thirty-first of March in every year.

13. The annual accounts of the postmaster-general, and of the commissioners for the reduction of the national debt, to the thirty-first of December in each year in respect to all monies deposited or invested under the authority of this act shall annually, prior to the thirty-first of March in each year, be submitted for examination and audit to the commissioners for auditing public accounts.

14. All the provisions of the acts now in force relating to savings banks as to matters for which no other provision is made by this act shall be deemed applicable to this act so far as the same are not repugnant thereto.

15. All expenses incurred in the execution of this act shall be paid out of the monies received under the authority of this act.

THE POSTAL SAVINGS BANK OF FRANCE.

[Report by Consul Knowles, of Bordeaux, 1891.]

Somewhat over ten years ago an idea was conceived in France of organizing a national savings bank based on principles hitherto unknown to that country, but neither novel in theory or practice. It was that of establishing a banking institution which, while offering the usual facilities to depositors, would embrace still greater ones by acting in direct cooperation with suburban and provincial post-offices.

Deposits might be made at any of the money order bureaus, or at such offices as the bank or the director-general might designate. Each depositor would be provided with a book and each deposit entered in it, attested by the receiving officer, and dated with the stamp of his office. The depositor would be entitled to payment of the whole or any part of his money by simple demand at any of the bank's suboffices, and not necessarily at the one where the deposit was made.

The institution was organized, received its charter from the State, and opened its doors on January 1, 1882. The interest to be paid on moneys intrusted to its care was fixed at 3 per cent, and its franchise provided that at all periods a certain percentage of its capital should be invested in Government securities, offering thereby to its depositors almost complete assurance of its unqualified stability.

From the day of its establishment the Caisse National d'Epargne of France has developed and increased its operations with amazing rapidity, and no greater proof of its flourishing condition could be offered than the report of its finances for the year 1890, addressed by the minister of commerce to the President of the Republic, and dated October 15, 1891.

A brief résumé of its contents may not be uninteresting reading.

During the year 1890 the bank received at its headquarters in Paris, and through its 6,817 branch offices in the country, 1,949,371 separate deposits, representing in currency the sum of $50,465,832.47. These figures are far greater than were those of the preceding year, when everything of an internal or financial nature was favored by the famous International Exposition and the influx of foreigners within French boundaries.

Figures representing almost two millions of depositors indicate something more than one might judge from it at first glance, for it means a seventeenth part of the entire population of France and Algeria combined.

Again, as a proof of the increasing confidence in the institution held by the French, we find that as many as 348,695 new accounts were opened during 1890, the bank receiving in that year more clients than in any one since the day of its foundation. Of these new depositors 150,787 were women, 197,908 men, and one-quarter of the whole had not attained their majority. The total amount of money placed by these in trust was $19,487,889.55.

Just as the condition of a great banking institution is indicative of the credit of the nation wherein it is situated, so is the financial status of its branch offices a measure of the prosperity of the localities in which they are placed. It is quite natural, then, in the annual statistics published by the minister of commerce, that the greatest import should be attached to the increase or decrease of operations in certain arbitrary topographical latitudes. Increase in one department denotes good crops, the healthy condition of vineyards and harvest fields, fruit, vegetables, cattle, and even weather. By the same process of deduction can the merchant tell where his goods may find a ready or indifferent sale, the speculator where the most favorable market exists, the investor the relative value of real estate.

Little wonder, then, that M. Jules Roche, who directs the industrial and commercial engines of the French Republic, should more especially direct attention to these minor arteries of finance that each and all have their origin in the great aortic arch of Paris.

Curiously enough the larger cities of France do not, as far as the Caisse National d'Epargne is concerned, follow in anything like the order of their physical importance, for after the capital we find Grenoble, a city of but 51,000 inhabitants, claiming second place. Nice is third on the list; then follow Montpellier, Nimes, Marseilles, Toulouse, Limoges, Reims, and Toulon, while Tourcoing, St. Etienne, Roubaix, Amiens, Lyons, Havre, and Orleans can not show such balance sheets as the former, notwithstanding the continued increase in their operations. These are the cities.

Of departments: That of the Alpes-Maritimes, Seine, and Var occupy first, second, and third rank, respectively. Oran, Finistère, Constantine, and Tunis are at the bottom of the list.

The Pas-de-Calais, Creuse, Gard, Gers, Landes, Indre-et-Loire, Haute-Garonne, Loir-et-Cher, Nièvre, Ardéche, Seine-et-Marne, Jura, Vendée, Vosges, Haute-Saône and Eure show a falling off. But the decrease of transactions in these several departments does not affect the general operations of the year, which, as before stated, show a marked augmentation.

On December 31, 1890, there were 495,862 individual deposits, amounting to $4 and under; 320,240 of sums between $4 and $20; 165,345 of $20 to $40; 216,620 from $40 to $100; 136,656 from $100 to $200; 127,842 from $200 to $400, and 41,964 from $400 upward. It is evident from

this that out of 1,524,688 depositors whose names are on the bank's books, over half are credited with amounts under $20, and in this the institution achieves its purpose, namely, that of serving the working classes who are unable to place their money in the more pretentious concerns.

The disbursements of the bank during the same year amounted to 72.10 per cent of the moneys received. During 1889 they amounted to 72.80 per cent; in 1888, 78.60 per cent, and in 1887, 81.30 per cent.

From the date of its establishment the Caisse National d'Epargne shows by its accounts the record of 14,169,756 transactions, resulting in the passing through of its hands of $416,458,138.47.

In 1882 there were 6,024 post-offices authorized to receive and disburse the bank's moneys; in 1883, 6,193; in 1884, 6,478; in 1885, 6,620; in 1886, 6,449; in 1887, 6,712; in 1888, 6,765; in 1889, 6,792, and in 1890, 6,817. Each bureau averages 394 separate transactions per annum. On the 31st of December, 1889, there were $64,091,265.15 in the vaults of the bank. In 1890 at the same period there were $79,793,736.44, and the greater part of this is invested in state collateral paying from 3 to 4½ per cent. Thus while the interest paid to depositors is not equal to that allowed by the savings banks of America, insurance against loss rests in that very fact.

The continued increase in the business of this as well as of other banking houses in France denotes not merely the firmness of their footing but of their individual soundness. A nation's banks are the barometers of its prosperity. They register the existence of industrial affluence and the approach of impending storm and disaster alike. They are the medium through which we may know to an absolute certainty the condition, the purity, or turbulence of the financial atmosphere, without venturing abroad.

In short, they are the graduated scales of political economy, be their reading what it may.

HORACE G. KNOWLES, *Consul.*

UNITED STATES CONSULATE,
Bordeaux, November 11, 1891.

AUSTRIAN POSTAL SAVINGS BANK.[1]

[Report by Consul-General Goldschmidt, of Vienna, 1892.]

The eighth annual statement of the Imperial royal postal savings bank bureau for 1891 has just been published. It shows that the beneficial working of that institution is steadily gaining ground, and that its purpose of stimulating the sense of economy among juveniles and the laboring classes is more and more appreciated by them. The statement reports as follows:

Both the transactions of the savings department and the check department have again considerably increased, and the success of both the departments in 1891 surpasses that of any former year. In the savings department the number of depositors has increased by 64,510, numbering 847,716 at the end of the year, with deposits of 24,841,994 florins in cash, and State bonds to the nominal value of 9,638,680 florins, or an increase, as compared with the preceding year, of 3,395,828

[1] The details of many of the tables in this report do not harmonize with the totals, but it was considered best to print as given by the consul-general.

florins in cash, and of 1,241,790 florins in bonds. Besides, there were bought for depositors, and forwarded to them during the course of the year, bonds to the nominal value of 2,365,000 florins. The far greater part of the depositors are persons of limited means; hence the amount of each single deposit is in general made up of only small sums, while, on the other hand, the continued increase in cash and bonds deposited shows the growing tendency of economy among that class of population. The check department numbers 19,301 depositors, being an increase of 1,583 against last year. At the end of the year the deposits were 37,490,170 florins in cash and the nominal value of 2,854,270 florins in bonds, being an increase, as compared with 1890, of 3,479,396 florins in cash, and the nominal value of 456,430 florins in bonds. Even more worthy of notice than the increase of the balance due is that of the money transactions of the check department. In 1891 these transactions have surpassed the amount of 2,000,000,000 florins, experiencing an increase of almost 14 per cent, as compared with 1890. Of these money transactions more than 620,000,000 florins (31 per cent) were settled by way of the clearing verkehr, without the requirement of any cash transactions.

The financial result of 1891 corresponds with the increase of business transactions, yielding the net amount of 1,030,505 florins, against 865,058 florins in 1890.

SAVINGS DEPARTMENT.

The number of depositors in 1891 was 847,716; in 1890, 783,206; increase, 64,510.

The following statement shows the amount of transactions in 1891:

	Florins.
Deposits, inclusive of interest added to capital stock	23,315,393.92
Payments	19,919,565.06
Total of transactions	43,234,958.98
Amount of deposits at the close of 1891	24,841,994.63
Increase of deposits in 1891	3,395,828.86

The number of new depositors was as follows:

1891	144,947
1890	140,112
In the preceding years	1,167,517
Total	1,452,576

The following figures show the number of accounts liquidated:

1891	80,437
1890	76,337
In the preceding years	448,086
Total	604,860

Table showing the number of accounts newly entered and liquidated in 1891 according to the different crown lands.

Crown land.	Newly entered.	Liquidated.
Lower Austria	48,474	25,062
Upper Austria	5,047	2,908
Salzburg	1,636	910
Tyrol and Vorarlberg	6,361	4,100
Styria	7,091	4,217
Carinthia	2,480	1,317
Carniola	1,458	1,083
The coast lands (Istria, Göritz and Gradisca, and Trieste)	4,619	2,459
Dalmatia	1,204	637
Bohemia	29,663	17,195
Moravia	12,770	7,223
Silesia	3,826	2,164
Galicia	17,580	9,693
Bukowina	2,738	1,469
Total	144,947	80,437
Preceding years	1,307,629	524,423
Grand total	1,452,576	604,860

Table showing the number of accounts newly entered and liquidated in 1891 according to the different months of the year.

Month.	Newly entered.	Liquidated.	Increase.
January	19,008	6,749	12,259
February	14,306	6,442	7,864
March	12,028	8,114	3,914
April	12,159	7,522	4,637
May	10,530	7,700	2,830
June	11,470	6,555	4,915
July	11,833	6,292	5,541
August	11,058	6,209	4,849
September	10,265	6,021	4,244
October	10,746	6,046	4,700
November	10,519	6,059	4,460
December	10,025	6,728	4,297
Total	144,947	80,437	64,510

As in 1890, so the month of January in 1891 shows the highest number of depositors (19,008), while March shows the largest number (8,114) and September the smallest number (6,021) of liquidations. The increase of new depositors is the largest since 1884; and the percentage of liquidations in 1891 was 8.66 per cent, against 8.88 per cent in 1890.

Table showing the number of depositors in 1891 and 1890 according to crown lands.

Crown land.	1891.	1890.	Increase.
			Per cent.
Lower Austria	268,895	245,483	9.5
Upper Austria	29,279	27,140	7.8
Salzburg	8,893	8,167	8.9
Tyrol and Vorarlberg	33,624	31,363	7.2
Styria	39,768	36,894	7.8
Carinthia	12,560	11,397	10.2
Carniola	9,102	8,727	4.3
The coast lands (Istria, Göritz and Gradisca, and Trieste)	23,043	20,382	10.3
Dalmatia	6,093	5,532	10.2
Bohemia	203,946	191,473	6.4
Moravia	88,821	83,274	6.6
Silesia	24,933	23,271	7.1
Galicia	84,954	77,067	7.2
Bukowina	13,805	12,536	10.1
Total	847,716	783,206	8.2

Of every 1,000 inhabitants of the total population of Austria there were 36 depositors in 1891, against 34 in 1890.

Table showing the number of depositors to each 1,000 inhabitants of the total population in the different crown lands.

Crown land.	1891.	1890.
Lower Austria	101	96
Upper Austria	37	35
Salzburg	51	48
Tyrol and Vorarlberg	36	34
Styria	31	29
Carinthia	34	31
Carniola	18	18
The coast lands (Istria, Göritz and Gradisca, and Trieste)	33	30
Dalmatia	11	11
Bohemia	35	33
Moravia	39	37
Silesia	41	39
Galicia	13	12
Bukowina	21	20

Lower and Upper Austria, Salzburg, Moravia, and Silesia show a larger number of depositors than the other crown lands, while Dalmatia has the lowest average number of depositors.

Table showing the number of depositors according to age, sex, and ability to write.

Classification.	1891.		Preceding years.	
	New depositors.	Liquidations.	New depositors.	Liquidations.
Age.				
Up to 10 years	25,570	6,347	235,711	40,627
10 to 20 years	40,465	33,628	474,758	203,669
20 to 30 years	35,693	16,556	291,704	118,432
30 to 40 years	20,564	11,779	169,874	83,803
40 to 50 years	7,788	6,848	71,247	43,597
50 to 60 years	2,042	2,441	26,901	14,193
60 to 70 years	1,204	780	11,510	4,424
70 to 80 years	521	541	4,143	1,729
80 to 90 years	135	152	806	647
Over 90 years	13	11	48	32
Age unknown	83	77	1,227	348
Corporations, etc	1,869	1,277	19,700	12,922
Total	144,947	80,437	1,307,629	524,423
Sex.				
Males	90,343	52,130	843,925	362,785
Females	52,735	27,030	444,004	148,716
Corporations, etc	1,869	1,277	19,700	12,922
Total	144,947	80,437	1,307,629	524,423
Ability to write.				
Able to write	124,127	70,756	1,138,446	483,191
Not able to write	1,779	1,027	127,852	21,186
Unknown	17,172	7,377	22,231	8,124
Corporations, etc	1,869	1,277	19,700	12,922
Total	144,947	80,437	1,307,629	524,423

Table showing the number of depositors according to age, sex, and ability to write—Continued.

Classification.	Total.			Percentage of depositors on December 31, 1891.
	New depositors.	Liquidations.	Remaining.	
Age.				*Per cent.*
Up to 10 years	261,281	46,974	214,307	25.281
10 to 20 years	515,223	237,297	277,926	32.785
20 to 30 years	327,397	134,988	192,409	22.697
30 to 40 years	199,438	95,582	103,856	12.251
40 to 50 years	79,035	50,445	28,590	3.373
50 to 60 years	28,943	16,634	12,309	1.452
60 to 70 years	12,714	5,204	7,510	.886
70 to 80 years	4,664	2,270	2,394	.282
80 to 90 years	941	799	142	.017
Over 90 years	61	43	18	.002
Age unknown	1,310	425	885	.104
Corporations, etc	21,569	14,199	7,370	.87
Total	1,452,576	604,860	847,716	100
Sex.				
Males	934,268	414,915	519,353	61.265
Females	496,739	145,746	320,393	37.865
Corporations, etc	21,596	14,199	7,370	.87
Total	1,452,576	604,860	847,716	100
Ability to write.				
Able to write	1,262,573	552,947	709,626	83.71
Not able to write	129,131	22,213	106,918	12.612
Unknown	39,309	15,501	23,802	2.808
Corporations, etc	21,569	14,199	7,370	.87
Total	1,452,576	604,860	847,716	100

Table showing the number of depositors according to occupation.

Classification.	1891.		Preceding years.	
	New depositors.	Liquidations.	New depositors.	Liquidations.
Children	11,847	4,344	120,575	21,657
Students and school children	35,451	22,286	445,940	168,691
Private persons	14,684	10,948	95,405	43,649
Public officials	1,616	1,206	23,249	10,212
Other officials	3,488	2,551	40,207	17,708
Clergymen	596	361	7,213	2,923
Members of the army	3,652	2,113	28,737	12,539
Members of the police and customs	1,405	396	9,287	2,403
Scholars, teachers, and artists	3,135	1,428	26,817	10,852
Attorneys	345	175	3,769	2,927
Surgeons and apothecaries	570	332	5,758	4,690
Authors	70	98	2,541	1,914
Merchants	1,385	1,221	25,356	11,320
Manufacturers	273	222	7,884	5,574
Craftsmen	27,250	13,660	177,631	76,159
Merchants' clerks	4,646	2,219	36,007	19,512
Workmen in factories	2,450	1,269	22,289	12,523
Workwomen	3,858	1,198	20,684	8,736
Servants	14,912	6,525	97,549	35,069
Farmers	2,566	1,641	15,041	8,699
Farmers' workmen	134	286	4,406	2,960
Day-laborers	1,751	864	8,029	4,146
Miners and foresters	661	235	5,535	1,974
Mariners	125	59	643	293
Corporations, etc	1,769	1,277	19,700	12,922
Occupation unknown	74	356	2,584	474
Convicts	11	15	82	57
Total	144,947	80,437	1,207,269	534,423

Of every 1,000 inhabitants of the total population of Austria there were 36 depositors in 1891, against 34 in 1890.

Table showing the number of depositors to each 1,000 inhabitants of the total population in the different crown lands.

Crown land.	1891.	1890.
Lower Austria	101	96
Upper Austria	37	35
Salzburg	51	48
Tyrol and Vorarlberg	36	34
Styria	31	29
Carinthia	34	31
Carniola	18	18
The coast lands (Istria, Göritz and Gradisca, and Trieste)	33	30
Dalmatia	11	11
Bohemia	35	33
Moravia	39	37
Silesia	41	39
Galicia	13	12
Bukowina	21	20

Lower and Upper Austria, Salzburg, Moravia, and Silesia show a larger number of depositors than the other crown lands, while Dalmatia has the lowest average number of depositors.

Table showing the number of depositors according to age, sex, and ability to write.

Classification.	1891.		Preceding years.	
	New depositors.	Liquidations.	New depositors.	Liquidations.
Age.				
Up to 10 years	25,570	6,347	235,711	40,627
10 to 20 years	40,465	33,628	474,758	203,669
20 to 30 years	35,693	16,556	291,704	118,432
30 to 40 years	29,564	11,779	169,874	83,803
40 to 50 years	7,788	6,848	71,247	43,597
50 to 60 years	2,042	2,441	26,901	14,193
60 to 70 years	1,204	780	11,510	4,424
70 to 80 years	521	541	4,143	1,729
80 to 90 years	135	152	806	647
Over 90 years	13	11	48	32
Age unknown	83	77	1,227	348
Corporations, etc	1,869	1,277	19,700	12,922
Total	144,947	80,437	1,307,629	524,423
Sex.				
Males	90,343	52,130	843,925	362,785
Females	52,735	27,030	444,004	148,716
Corporations, etc	1,869	1,277	19,700	12,922
Total	144,947	80,437	1,307,629	524,423
Ability to write.				
Able to write	124,127	70,756	1,138,446	482,191
Not able to write	1,779	1,027	127,352	21,186
Unknown	17,172	7,377	22,231	8,124
Corporations, etc	1,869	1,277	19,700	12,922
Total	144,947	80,437	1,307,629	524,423

The year 1891 shows the highest amount of money deposited during any one year since the instituting of the postal savings bank.

Table showing the amount of transactions.

Year.	Deposits.			Payments.
	Amount.	Interest.	Total.	
	Florins.	*Florins.*	*Florins.*	*Florins.*
1891	22,720,376	595,018	23,315,394	19,919,565
1890	21,048,027	549,830	21,597,857	18,197,149
1889	18,195,056	460,119	18,655,175	15,715,911
1883-1888	78,446,960	1,416,133	79,863,103	64,756,908

The following table shows the number of first deposits and number of additional deposits in 1890 and 1891:

Year.	First deposits.		Additional deposits.	
	Number.	Per cent.	Number.	Per cent.
1891	144,947	10.7	1,206,696	89.3
1890	140,112	10.9	1,137,693	89.1

The average value of each deposit in 1891 was 16.81 florins; in 1890, 16.47 florins.

The number and amounts of the different deposits and payments in 1891 were as follows:

Description.	Number of deposits.	Number of payments.
50 kreutzers or less	247,581	7,350
50 kreutzers to 1 florin	225,105	27,469
1 to 5 florins	425,706	113,421
5 to 10 florins	160,995	82,683
10 to 20 florins	103,328	100,847
20 to 50 florins	94,324	54,668
50 to 100 florins	46,781	37,396
100 to 200 florins	22,229	23,300
200 to 300 florins	8,963	10,658
300 to 500 florins	6,469	6,881
500 to 1,000 florins	5,700	4,869

The following statement shows the details of the deposits:

	Florins.
Total amount of savings deposited in 1891	22,720,376.09
Total amount of deposits withdrawn in 1891	19,919,565.06
Balance	2,800,811.03
Interest added to capital stock	595,017.83
Total savings in 1891	3,395,828.86
Total deposits, inclusive of interest added to the capital stock, on December 31, 1890	21,446,165.77
Savings of 847,716 depositors on December 31, 1891	24,841,994.63

The average value of each deposit on December 31 for the past nine years was as follows:

Year.	Value.	Year.	Value.
	Florins.		*Florins.*
1891	29.30	1886	19.27
1890	27.16	1885	17.89
1889	24.89	1884	14.50
1888	22.88	1883	11.34
1887	21.27		

On December 31, 1891, the depositors had their savings deposited as follows:

Description.	Number.	Amount.
		Florins.
1 florin or less	243,711	189,967
1 to 3 florins	119,932	241,865
3 to 5 florins	47,755	191,322
5 to 10 florins	64,968	457,736
10 to 50 florins	135,096	3,552,981
50 to 100 florins	41,253	2,953,675
100 to 200 florins	28,284	3,857,263
200 to 500 florins	20,114	6,227,519
500 to 1,000 florins	8,109	5,657,045

The percentage of depositors was as follows:

Year.	Up to 5 florins.	5 to 100 florins.	More than 100 florins.
	Per cent.	*Per cent.*	*Per cent.*
1891	57.89	34.12	7.99
1890	57.18	35.24	7.58
1889	58.04	35.17	6.79
1888	59.6	34.5	5.9
1887	61	33.9	5.1
1886	60.7	34.6	4.7
1885	62	32.5	5.5

CHECK DEPARTMENT.

The number of depositors in the check department on December 31, 1891, was 19,391, which is an increase of 1,583.

The following statement shows the amount of transactions in 1891:

	Florins.
Deposits, inclusive of interest, added to capital stock, in 1891	1,001,855,540.31
Deposits withdrawn in 1891	998,376,144.28
Total	2,000,231,684.59
Transactions in 1890	1,759,141,028.43

The number of new depositors was as follows:

1891	2,550
1890	2,694
Preceding years	19,848
Total	25,092

Of the 19,391 persons and business firms having check accounts at the postal savings banks on December 31, 1891, 19,173 were domiciled in Austria and 218 in Hungary and foreign countries, as is shown by the following table:

Country.	1891.	1890.
Austria	19,173	17,665
Hungary	139	80
Bosnia and Herzegovina	5	4
United States	1	1
Germany	61	44
England	2	2
France	1	1
Greece	1	1
Italy	1	2
Russia	.....	1
Switzerland	6	6
Servia	1	1
Total	19,391	17,808

The depositors were distributed in 2,041 places (against 1,921 places on December 31, 1890), of which 1,947 places are located in Austria and 94 places in Hungary and foreign countries. The number of depositors in one and the same place is steadily increasing. The number of places in which there are at least 10 depositors has increased from 227 to 240 during 1891. On comparing the number of depositors in 1891 with that of 1890, Vienna shows an increase of 405, or 8 per cent; Prague, 130, or 9 per cent; Gratz, 38, or 15 per cent; Lintz, 21, or 10 per cent, and Trieste, 29, or 16 per cent.

The transactions, i. e., moneys deposited, moneys paid out, and adding of interest to capital stock, were as follows:

Year.	Number.	Amount.
		Florins.
1891	8, 681, 259	2, 000, 231, 684. 59
1890	7, 668, 498	1, 750, 141, 028. 43
Preceding years	22, 784, 586	5, 566, 680, 107. 82
Total	39, 144, 343	9, 326, 052, 820. 84

In 1891 the transactions in Vienna represented the sum of 545,484,947 florins; Prague, 83,170,407 florins; Brunn, 30,002,918 florins; Trieste, 21,574,647 florins; Gratz, 20,481,443 florins; Lintz, 11,264,525 florins; Reichenberg, 10,517,575 florins; Pilsen, 10,422,449 florins.

The average number of daily transactions in 1891 was 23,812, and in 1890, 21,009.

The average number and value of transactions with each depositor were as follows:

Year.	Number.	Value.
		Florins.
1891	427	98, 252
1890	409	93, 870

The number and amount of deposits were:

Year.	Number.	Amount.
		Florins.
1891	6, 902, 740	1, 001, 448, 400. 31
1890	6, 067, 481	880, 363, 809. 01

Hence the number of deposits in 1891 increased by 835,259, representing an increase of 121,084,591.30 florins, as compared with the preceding year.

The average value of the deposits in 1891 was 145.08 florins, against 145.09 florins in 1890.

The average total number of deposits in favor of each depositor in 1891 was 339, representing 49,191.89 florins, against 323, representing 46,977.64 florins, in 1890.

In 1891 there were made 5,617,639 deposits (81.3 per cent, against 80.8 per cent in 1890) in sums up to 150 florins, 1,126,725 deposits (16.3 per cent, against 17 per cent in 1890) in sums up to 1,000 florins, and 160,579 deposits (2.4 per cent, against 2.2 per cent in 1890) in sums over 1,000 florins.

The following statement shows the details of the deposits:

	Florins.
Deposits in 1891	1,001,448,400.31
Withdrawals in 1891	998,376,144.28
Balance	3,072,256.03
Interest added to capital stock on December 31, 1891	407,140.00
Total balance	3,479,396.03
Balance on December 31, 1890	34,010,774.57
Total balance December 31, 1891	37,490,170.60
Average due to each depositor December 31, 1891	1,933.38
Average due to each depositor December 31, 1890	1,970.65

The number of depositors and the value of deposits on December 31, 1891, according to the sums deposited, were as follows:

Description.	Depositors.		Value of deposits.	
	Number.	Per cent.	Amount.	Per cent.
			Florins.	
100 to 150 florins	4,905	25.38	637,708	1.93
150 to 300 florins	3,489	18.05	951,165	2.88
300 to 500 florins	2,328	12.05	1,016,010	3.07
500 to 1,000 florins	2,826	14.64	2,714,826	8.21
1,000 to 2,000 florins	2,304	12.43	3,378,781	10.22
2,000 to 3,000 florins	1,048	5.42	2,553,946	7.72
3,000 to 4,000 florins	556	2.88	1,901,595	5.75
4,000 to 5,000 florins	390	2.02	1,728,068	5.22
5,000 to 10,000 florins	795	4.11	4,446,674	13.44
10,000 to 20,000 florins	394	2.04	5,395,436	16.31
20,000 to 30,000 florins	95	.49	2,296,959	6.94
30,000 to 40,000 florins	40	.21	1,367,037	4.13
40,000 to 50,000 florins	12	.06	562,019	1.7
50,000 florins and over	43	.22	4,126,614	12.48

Of the total of deposits, 55.48 per cent (against 55.05 per cent in 1890) is of a smaller amount than 500 florins, 27.07 per cent (against 27.11 per cent in 1890) of from 500 to 2,000 florins, and 17.45 per cent (against 17.84 per cent in 1890) of more than 2,000 florins. Till December 31, 1891, there were 74,350 blank check forms delivered to depositors. For each form the legal tax of 2 kreutzers was paid to the Government, making the total sum of 172,201.62 florins, of which 35,052.80 florins were paid in 1891.

CLEARING DEPARTMENT.

This branch, too, shows an increase of 1,154 members, numbering on December 31, 1891, 13,354 members, making 69 per cent of the total number of depositors in the check department. On December 31, 1891, 13,189 (against 12,105 in 1890) members were residing in Austria, 110 (against 58 in 1890) in Hungary, and 55 (against 37 in 1890) in foreign countries.

The following table shows the number and amount of transactions:

Year.	Number.	Amount.
		Florins.
1891	1,320,682	620,283,848.68
1890	1,184,560	528,524,592.82
Preceding years	3,485,818	1,378,173,933.22
Total	5,991,060	2,526,982,374.82

The number and amount of items of booking to the credit or debit of the members were as follows:

Year.	Number.	Amount.
		Florins.
1891	660,341	310,141,924.34
1890	592,280	264,262,296.41
1889	507,495	216,683,155.51
1884-1888	2,295,414	472,403,811.15

The average value of each item booked to the credit or debit of the members of the clearing department was 469.67 florins in 1891, against 446.18 florins in 1890. The average number of items thus booked for each member was 48 in 1891, against 47 in 1890. The average amount booked to the credit or debit of each member was 22,500.14 florins in 1891, against 20,948.26 florins in 1890.

MISCELLANEOUS.

There were 2,357,339 receipts sent by letter mail to the postal savings bank in 1891, against 2,189,721 in 1890. There were 6,005,341 receipts forwarded by the postal savings bank in 1891, against 5,436,941 in 1890.

One hundred and seventeen new post-offices were open in 1891 which were intrusted with the postal savings bank business. Seven post-offices were closed.

On December 31, 1891, there were 4,767 post-offices (against 4,657 in 1890) connected with the postal savings bank, making an average of one postal savings bank office for every 62.9 square kilometers or 5,000 inhabitants.

In 1891 the total income and expenses of the postal savings bank were as follows:

	Florins.
Income	1,914,900.40
Expenses	884,394.42
Net profit	1,030,505.98
Profit in 1890	856,058.47
Increase	174,447.51

For taxes, etc., the fiscal received 41,806.24 florins in 1891, against 37,440.52 florins in 1890.

Twenty per cent of the profit is to be added to the pension funds, the balance to the reserve funds of the postal savings bank and check department.

JULIUS GOLDSCHMIDT,
Consul-General.

UNITED STATES CONSULATE-GENERAL,
Vienna, May 28, 1892.

POSTAL SAVINGS BANKS IN AUSTRIA.

[Report by Consul-General Weaver, of Vienna.]

I have the honor to inclose herewith duplicate copies of the law of March 28, 1882, passed by the Austrian Reichsrath at its last session, and recently approved by the Emperor, establishing a postal savings

bank in this empire, which shall go into operation on the 1st of January next.

The law is accompanied by a careful translation of the original text; likewise by a translation of the ministerial decree relative to the establishment of the board of council, and also by a translation of an article cut from the Neue Freie Presse of 14th October, 1882, giving a valuable résumé and elucidation of the law. As these papers may be valuable for comparison in case of need, I have had them carefully prepared, so that they might be published in our monthly reports, providing such a disposition should meet with the approbation of the Department.

JAMES RILEY WEAVER,
Consul-General.

UNITED STATES CONSULATE-GENERAL,
Vienna, November 14, 1882.

Law of May 28, 1882, regarding the introduction of postal savings banks in the countries represented in the Reichsrath.

With the consent of both houses of the Reichsrath, I am pleased to order as follows:

ARTICLE 1. Under the administration and security of the State, there will be established in Vienna a Government savings bank, belonging to the department of the minister of commerce, and subject to the postmaster-general, under the title "K. K. Postsparcassen-Amt" (Imperial Royal Postal Savings Bank).

The sphere of action, organizing, and number of persons employed will be made known by special decree.

As depositories of the postal savings banks shall serve the post-offices designated for this purpose by the minister of commerce in the countries represented in the Reichsrath.

The postal savings bank is charged with the administration and carrying out of the business specified by this law; it represents publicly to this end the State government.

For rendering advice, as well as for proposals in matters which concern the postal savings banks, a board of council will be established.

The regulations concerning the formation of this board, as well as the rules governing its sphere of action, will be made known by special decree.

ART. 2. The postal savings bank receives the deposits made at the post-offices, and pays out again deposits notified for withdrawal through the post-offices.

ART. 3. All deposits in excess of the current expenses will be invested at interest by the savings bank. Interest on deposits will be procured by purchase of Austrian Government securities paying interest.

ART. 4. Interest as well as the total expenses of administration and other outlays will be defrayed from the proceeds of the savings thus invested.

As long as these proceeds are not sufficient to pay the interest and the expenses of administration, the deficit as well as the expenses of establishing the institution will be covered by loans advanced by the post-office department.

These loans are to be repaid to the post-office department out of realized surpluses at the close of the fiscal year without any interest.

The surplus remaining after the redemption of the above-mentioned loans will be used for the formation of a reserve fund.

ART. 5. Every depositor will receive from the post-office where he makes his first deposit a deposit book, in which is entered every deposit made, amount drawn out, and amount of capitalized interest. Each subsequent deposit can be entered in the book at whatever post-office it is made.

The person in whose favor the deposit was made will be regarded as the depositor. The deposit book will be given free of charge, and is exempt from stamp duty.

The postal savings bank will open an account with every depositor.

ART. 6. The deposit book will bear the name of the person for whom the deposit was made, and contain the memoranda necessary to the identity of the same, as well as the signature of the depositor.

Depositors who cannot write must bring with them a reliable person who can vouch for the identity of the depositor and sign the deposit book in his stead.

A transfer of the deposit book to another person will be considered valid only when the act of transfer has taken place before a post-office official authorized by the postal savings bank.

When this is done, the person to whom the transfer was made will be regarded as the owner of the deposit book. (Article 21, line 3.)

Minors likewise are entitled to make deposits, independently, and to draw out money, provided the legal guardian makes no written protest at the postal savings bank against it.

In case a deposit book is lost, a duplicate will be issued in accordance with the provision prescribed in article 14.

For one and the same person only one postal savings bank deposit book can be issued.

Whoever takes out two or more deposit books loses the interest on the capital inscribed in the second book or in those issued subsequently. If, however, the total amount of the deposits in two or more deposit books which the depositor had caused to be issued exceeds 1,000 florins, or if the depositor had deposited more than 300 florins within one year in the two or more books issued to him, then will the depositor lose, in the first case, that part of the capital which surpasses 1,000 florins, and in the second case, that part of the capital which surpasses 300 florins.

The minister of commerce is authorized, for reasons worthy of consideration, to remit the loss of capital resulting from the foregoing clause.

The post-office employees are prohibited from giving information to anyone whomsoever, except to their superiors, concerning the names of depositors and amounts paid in by them.

ART. 7. Each deposit must amount to at least 50 kreuzers or a multiple of 50 kreuzers. The total amount deposited in one year shall not exceed three hundred florins, after deducting the sums which have been drawn out during the year.

The amount due to a depositor, in deposits made and interest on capital, shall not exceed the sum of 1,000 florins after deducting the amounts which have been drawn out.

Deposits to the amount of 50 kreuzers may be made in postage stamps, or in special postal savings marks, as soon as the issue of such by the minister of commerce takes place. They must be pasted upon blank forms, which will be furnished free of charge.

ART. 8. The rate of interest for deposits is fixed at 3 per centum per annum. The rate of interest can be changed only by legislation.

ART. 9. The interest on the deposits begins on the 1st and 16th of the month following the day the deposit was made, and ends on the last or 15th of the month preceding the day on which the notice of withdrawal was received at the post-office in Vienna. Amounts of less than one florin will not bear interest. On the 31st of December of each year the interest will be added to the capital, and will likewise henceforth bear interest.

For calculations of interest, the month will be taken at thirty days.

The officially prepared table of interest will be posted up publicly at the places for collection (post-offices).

ART. 10. An amount exceeding the sum of 1,000 florins will not bear interest.

ART. 11. The office of the postal savings bank is obliged to notify the depositor by registered letter to reduce his capital as soon as the deposits and capitalized interest of a depositor exceeds 1,000 florins. If the depositor has not reduced his credit during the month following this notice, there will be purchased for his account, after the lapse of this period, Government bonds of the common state debt, paying interest in paper to the nominal value of 200 florins at the current rate of exchange, of which proceeding the depositor will be notified.

No interest will be paid for the time which elapses between giving notice and the period when the reduction of the credit of a depositor takes place.

In case the respective depositor shall not have taken possession of the securities bought for his account, the office of the postal savings bank shall draw the interest of these bonds which are in its keeping, and place it as a new deposit to the credit of the respective depositor in the books of the institution.

A book shall be issued to the depositor for such Government bonds as are deposited for him in the office of the postal savings bank.

ART. 12. At the wish of the depositor, and in accordance with the sufficiency of his credit, may the deposits be devoted to the purchase of Austrian Government securities.

ART. 13. The repayment of the credit, or a part of the same, to the depositor or to his legal successor or attorney shall take place upon a notice of withdrawal, which may be done at any place of collection (post-office) designated by the party giving notice.

The payment is made at the place of collection designated in the notice (post-office) on presentation of the deposit book, by virtue of an order from the office of the postal savings bank, except in cases where the provisions as mentioned in article 14 are applicable, or where a protest which has been made (articles 6 and 17) prevents it.

Notified amounts up to 10 florins will be ordered by the office of the postal savings bank to be paid at the places of collection (post-offices) by return of mail, and will be cashed immediately after arrival of the order of the office of the postal savings bank.

The payment of amounts between 10 and 100 florins will take place at the latest

in fifteen days; that of amounts between 100 and 500 at the latest in a month; that of amounts above 500 florins at the latest in two months after the arrival of the notice.

ART. 14. If a deposit book is lost, the following proceedings take place: The owner, in order to obtain a duplicate, shall immediately inform the office of the postal savings bank, either direct or through the nearest place of collection, of the loss, with the most accurate description possible of the marks of the book.

The office of the postal savings banks shall note immediately upon its books a memorandum, to the end that for the present payment upon the lost deposit book may be made to no one. At the same time the office of the postal savings banks shall publicly post up at the post-office which issued the lost book, and at that one to which the book would perhaps be presented, an edict by which all are reminded that after the expiration of one month from the date of publication, if within that time no claim for the lost book was made, it will be declared null and void, and a new book will be issued.

If no claim is made within a month, a duplicate will be issued by the office of the postal savings banks on payment of 10 kreuzers, and the deposit book which was lost will be declared as null and void. If a claim is established within a month, the office of the postal savings bank must refer the party to the proper judge for decision, and neither permit the issue of a duplicate nor allow any disposition of the lost book to be made until judgment in regard to the claim set up has been given by competent authority.

ART. 15. The provisions of paragraph 1480 of the common civil law, according to which demands of arrears of interest cease after a lapse of three years, will not be applied to deposits made in the postal savings banks. In regard to the prescription of postal savings bank deposits the general provisions of the common law are in force.

Deposits falling under the law of prescription revert to the post-office department.

Prescription is interrupted by every new deposit, by every notice of withdrawal, and by every entry of interest on the deposit book.

ART. 16. The Government securities purchased by the administrators or at the request of the depositor, and held in safe keeping by the savings bank, shall revert to the post-office department if no one applies during forty years either for the securities themselves or for the interest, or if the depositor has never during that length of time made any other application whatever to the postal savings bank concerning the capital or the interest

ART. 17. Deposits made in the postal savings banks, as well as deposit books, are neither subject to attachment nor can they be mortgaged. Neither is the executive surrender of a postal savings bank deposit book admissible. These provisions have no application in regard to the books issued for purchased state *rentes*, as mentioned in articles 11 and 12.

If a depositor is in bankruptcy, the administrator is empowered to give notice to the postal savings bank to draw out and receipt for the balance to his credit.

A protest against the return payment of deposits can receive consideration only in a case of a suit at law for the ownership of the deposit book, or under the presumption mentioned in article 6.

Such a protest must be made in writing, addressed to the office of the postal savings bank in Vienna, accompanied by the proofs necessary to form a judgment.

ART. 18. The reserve fund, the immediate purpose of which is to cover possible losses which the postal savings bank may possibly encounter, is to be formed by depositing the surpluses which have remained at the close of the fiscal year, after deduction of defrayed interest, expenses of administration, and other outlays, and the return of advances made by the post-office department.

The reserve fund is gradually to be increased until it reaches 5 per centum of the total amount of deposits; it shall not, however, exceed 2,000,000 florins, Austrian currency.

ART. 19. The sums forming the reserve fund are to be invested at interest, and the occasional profits will be added to the reserve fund until the latter has reached the fixed maximum.

When the reserve fund has reached the prescribed limit, the entire surplus will be accredited receipts to the post-office department.

ART. 20. The office of the postal savings banks will render due accounts of all deposits made at the places of collection (post-offices), and will be controlled by the chief comptroller.

At the end of every calendar year the minister of commerce will report to both houses of the Reichsrath the general condition of and the business done by the postal savings banks, and will cause it to be published in the official part of the Wiener Zeitung.

The office of the postal savings banks will periodically publish in the Wiener Zeitung the condition of the institution.

ART. 21. The correspondence of the office of the postal savings banks and employés with the depositors is free of postage.

The income of the postal savings banks is free from taxes. The deposits addressed to the office of the postal savings banks, to the officers and employés by depositors or by persons empowered by them, as well as the documents for a transfer, as mentioned in article 6, are free from taxes and stamps, and the interest on the deposits is exempt from income tax or any tax taking its place.

ART. 22. The time when the office of the postal savings banks in Vienna and the places of collection will commence operations will be fixed by the minister of commerce.

ART. 23. The minister of commerce is intrusted with carrying out of this law.

Schönbrunn, May 28, 1882.

FRANCIS JOSEPH.
TAAFE.
PINO.

THE BOARD OF COUNCIL OF THE POSTAL SAVINGS BANK.

First. The Board of Council established by virtue of article 1 of the law of May 28, 1882, shall be an advisory body to the minister of commerce in regard to the business of the office of the postal savings banks.

Second. The Board of Council consists of nine members, viz:

1. A president, nominated by His Majesty the Emperor, for the term of five years.
2. Four experts, nominated by the minister of commerce from the industrial and mercantile classes.
3. Three Government officials in active service, nominated likewise by the minister of commerce.
4. The director of the imperial royal office of the postal savings bank.

Third. Two members, experts, taken from the industrial and mercantile classes, and one member taken from among the Government officers, will go out each year according to the turn established in the first year by drawing lots. In the places of those whose term of office has expired, the Board of Council will elect two members from the industrial and mercantile classes of the population, and the minister of commerce will nominate a new member from the ranks of Government officials. The ex-members of the Board of Council can be reelected, respectively renominated. The minister of commerce has the right to dissolve the Board of Council at any time, in which case, however, he will take pains that an immediate formation of a new Board takes place.

Fourth. Members who die or are lost to the Board of Council by other means are replaced in the same manner and at the same time in the category to which they belonged as if they had left in the turn decided by lot.

Fifth. The members of the board must have their domicile in Vienna, with exception of the president and two members taken from the technical men of the industrial and mercantile circles, whose domicile is not limited to Vienna.

Sixth. As members of the Board of Council can be elected, only such persons who, by virtue of the law of April 2, 1873, R. G. B. No. 41, are eligible to the Reichsrath (paragraphs 19 and 20).

Members who, during their term of office, should lose their right to be elected are to be regarded as members whose term of office has expired.

Seventh. The Board of Council shall meet in the rooms of the office of the postal savings bank by invitation of the president presiding. In case the president be prevented from being present, the minister of commerce shall nominate a deputy for the time of prevention.

Eighth. The regular annual meeting of the Board of Council shall take place after the yearly balance has been struck by the office of the postal savings bank—that is to say, upon communication from the director to the president. Aside from this, the Board of Council shall meet as often as the minister of commerce orders, the director desires, or at least four members of the board demand it. The respective communications are to be addressed to the president. Upon invitation of the presiding officer, functionaries of the ministry of commerce or other persons may be invited as experts. These experts have no right to vote.

Ninth. Those members of the Board of Council who are not Government officials shall lay their affirmation into the hands of the minister of commerce.

The office of a member of the Board of Council is honorary and without remuneration. Those members who reside outside Vienna have a claim to a remuneration of 8 florins per day and traveling expenses, according to a schedule to be made.

Tenth. The Board of Council shall have the right to examine the books and accounts of the office of the postal savings bank, and to ask information of the directors concerning the condition and business manipulation of the office. The Board of Council shall make suggestions concerning improvements in the business manipulations of

the office of the postal savings bank, either in consequence of intimation of the minister of commerce or of its own accord, and submits the respective bills to the minister of commerce. Changes in the regulations of the general management, as well as in the fundamental outlines for the organization of the office of the postal savings bank, and the statutes of organization for the Board of Council, shall not be made unless the Board of Council has given its opinion in regard to the utility of the alteration.

Eleventh. The Board of Council shall take its resolutions by a simple majority of the votes of the members present in the assembly, convoked according to rule. To a valid resolution of the Board of Council the presence of at least six members, aside from the president, is required. A record of his resolutions shall be kept by the directors of the office of postal savings bank, to be submitted to the minister of commerce.

The director shall have a right, in a given case, to put on record his negative vote, and to represent it in a separate petition.

Twelfth. The Board of Council shall regulate its own business management, subject to approval of the minister of commerce.

THE PRACTICAL USES OF THE SAVINGS BANKS.

[Translation of an article appearing in the Neue Freie Presse of October 14, 1882, on the formation of the postal savings bank in Austria.]

The regulations necessary to carry out the law of May 28, 1882, concerning the postal savings bank have been approved by the Emperor.

At the beginning of next year the postal savings bank will commence its operations, and if the institutions shall prosper it must be free from the bureaucratic spirit from which so many institutes in Austria suffer.

An effort to accomplish this is seen partially in the regulations of the organization, but particularly from the blank forms prepared for the use of the public. They excel in brevity and clearness of text, convenience, and perspicuity; for instance, the forms for the transfer of deposit books, for the protest against payment to minors, for the request for the purchase or sale of Government securities, for authorizing the drawing out of one or more deposits, the forwarding of interest coupons, &c. All these blank forms can be had free of charge at the post-offices, are exempt from taxes and stamp duty, and will be sent free of charge when declared as mail matter containing deposits or as registered letter.

The deposit book is handy, practical, and neatly gotten up, which can not be said of all Government blank forms.

Every depositor finds in his book a short enumeration of the most important regulations and privileges, being an advantage over all deposit books of existing postal savings banks; a table of postal savings banks; a table of interest from which he can learn at a glance the amount of interest due on any capital and for any space of time, as well as the amount due him in a separate column, much more distinctly than in the books of other countries.

We wish now to describe, for the clear understanding of the public, the method of making a deposit as provided by the law. A person wishing to make a deposit in the postal savings bank goes to the nearest post-office, pays over the amount desired, which, however, can not be less than 50 kreuzers, and receives thereupon a deposit book bearing his name, which henceforth he can present at any time at any post-office in the Austrian Empire to make further deposits, which will be placed immediately to his credit by the official, with signature and seal, and be separately receipted for by the office of the postal savings bank by letter, free of postage, wherein he is informed of the receipt of his last deposit and the amount now due him, which must correspond with the entries made on his book. If this should not be the case, he must immediately remonstrate, which he can do by tearing off a perforated blank form attached to the book, fill it out, and put it in the nearest letter box. This insures safety to the depositor and serves as a control over the post officials. The interest will always be added by the office of the postal savings bank on the 31st December. To this end the depositor must send his deposit book, postpaid, on the anniversary of his first deposit to the office of the postal savings bank in Vienna, in conformity with the rules of the English post-office savings bank. Of course he will not lose his interest should he fail to send in his deposit book. Simultaneously with the deposit book, the depositor receives a notice book which contains ten blank forms of notice of withdrawal. These notices bear the printed number and series of the book.

If he wishes to draw a certain amount, he simply takes his notice book, fills out the blank with the sum he desires to draw, names the post-office where he wishes

the payment to be made, and puts it in the nearest letter box. If he wishes registration, he must ask for it at the post-office, where it will be granted free of charge.

By return of mails he receives a check, upon presentation of which at the post-office singled out by him he will immediately receive payment. He must bring with him his deposit book, in which the payment will be entered. Should he not desire to draw the amount himself, then he must authorize a person for the single case. A depositor may therefore give notice in Graz demanding payment to be made in Prague, and authorize a person in Prague to receive the amount.

This convenience and novelty benefits especially the traveling workingman, who in this manner may send home his savings; the merchant, who thus can send money to his commercial traveler, and the small tradesman, who by these means may fulfill his obligations in the city. It was proposed that the money should be paid by the letter carrier at the same time that he brought the check, which for the present, however, could not be done, owing to existing post office regulations, which is much to be regretted.

According to the provisions of the law, a depositor is not allowed to have more than one deposit book; however, for a third person a deposit book may be taken and deposits made; for instance, a father for his children, or an office servant for his institution. It is likewise provided that not more than 300 florins be deposited in one book in a single year, and altogether not more than 1,000 florins. To watch over this is the duty of the office of the postal savings bank. These maximums, however, may be reduced by payments or by the purchase of Government interest-bearing securities.

In order to make it possible to save smaller amounts than 50 kreuzers, the following provision has been made:

Oblong pieces of white cardboard will be issued, having a 5-kreuzer postage stamp imprinted in one corner, with a space for pasting on nine additional postage stamps of 5 kreuzers each. Such a "savings card" can be bought for 5 kreuzers wherever postage stamps are sold. When the savings card is filled up with ten postage stamps, including the one imprinted, it represents the minimum of a deposit of 50 kreuzers, and may be offered as such at any post-office, and, if it is the depositor's first deposit, then a book will be issued to him. Children will in this manner be stimulated to deposit their savings by having an opportunity to watch, so to speak, the growing of their savings with every new 5-kreuzer postage stamp pasted on.

If a deposit book is lost, the nearest post-office is to be advised, and after one month's delay, if not recovered, the book will be canceled free of charge; payment in the meantime to anyone on the book is stopped and a new one will be issued free of charge. The officials and chief of the post-office are bound to treat the personal matters of the depositors as office secrets to their fullest extent; they are not allowed to give information to anyone except to their superiors, otherwise they are liable to discharge.

All blank forms employed are printed either in German alone or in two languages, and are lettered, which serves at the same time as marking the series in the deposit books.

The post-offices must render their accounts daily to the chief office in Vienna of all moneys received or disbursements made, on the basis of which the latter makes its daily balance. The deficit or surplus which results is settled every day by the cashier's office of Lower Austria in Vienna.

The organization of the office of the postal savings bank is as follows: At the head is a director, who receives his orders direct from the minister of commerce. The number of employés will be taken partly from the ranks of Government officials and partly be made up from persons engaged for the purpose on monthly pay.

A pension fund will be raised for these from rates deducted from their wages, according to the profits realized by the institution. The remuneration of the post-office officials is for the present fixed at the following rates: One kreuzer for every deposit made at that particular office; five kreuzers for every book issued by that particular office and existing at the end of the year (first deposit); for every thousand florins paid in, deducting the payments up to 20,000 florins, 1 florin and 50 kreuzers; up to 40,000 florins, 1 florin and 25 kreuzers; higher amounts, 1 florin. This remuneration is a trifle higher than the one received by the officials in England and Italy for this reason, that, particularly in Austria, these employés will have to use their influence to make the institution popular, to which end they are best adapted.

The postal savings banks have, moreover, everything in their favor, since the communication between the depositors and the savings banks and the office of the postal savings bank in Vienna is carried on by about four thousand post-office officials now in existence, with each one of whom they can without difficulty make deposits and receive payments.

No depositor is henceforth required to make long journeys to deposit his savings, as has been the case heretofore in the provinces. He will no longer be compelled to lose a working day to make a deposit or receive a payment.

It is to be hoped, therefore, that the post-office savings banks will flourish here in Austria as they do in England and in Italy. It is greatly to be desired, for economy is the mother of wealth.

FIRST DECADE OF POSTAL SAVINGS BANKS IN AUSTRIA-HUNGARY.

[Consul-General Judd, of Vienna, October 14, 1893.]

At the end of the year 1892 the number of depositors was 913,447, with a total capital of 29,335,299 florins and a nominal deposit of Government bonds (which were purchased and transmitted by the institution to its depositors) of 11,051,370 florins, besides 19,545,615 florins' worth of Government bonds. The average capital of the depositors has risen from 11 florins to 32 florins, which tends to prove that the postal savings bank has acted as an incentive to continued economy. The number of its depositors increased by 65,731, the capital in cash by 4,493,234 florins, and the nominal deposit of Government bonds by 1,412,690 florins, which is by far the largest increase that has yet taken place.

The trade in the check business has risen from 87,000,000 florins in the year 1884 to 2,237,000,000 florins in 1892.

At the end of this period 21,365 persons, with a capital of 42,684,528 florins, utilized the post-office for the check business, having a bank-note deposit besides of 3,267,230 florins.

The amount of money that has changed hands in the period of the existence of the institution through checks is figured at 11,361,000,000 florins.

This large increase in business has permitted the payment of all expenses incident to the founding of the bank, amounting to 938,761 florins, the forming of a reserve fund of 2,543,323 florins, and leaves at the close of the year 1892 a net earning of 1,139,884 florins.

Austria-Hungary is the only country in which the check business is carried on by the post-office. The work is done so well and cheaply that by far the greater part of the traffic of this kind is done through the postal service.

CANADIAN POST-OFFICE SAVINGS BANKS.

[Report by Commercial Agent Carroll, of Port Stanley and St. Thomas.]

The post-office savings-bank system of the Dominion, which has been in operation since April, 1868, appears to be of interest, especially at this time when Congress is looking toward the establishment of a similar system in the United States; I therefore submit a synopsis of the law and regulations governing the same, together with a brief statement of the business transacted in connection therewith up to June 30, 1882.

With a view of enlarging the facilities for the deposit of small savings, the Dominion post-office department was made available by Parliament in April, 1868, for that purpose, and savings banks were established under its auspices, the Government being made directly responsible for the deposits therein, as well as for accumulated interest thereon.

Under the act the postmaster-general has authority, with the consent of the governor in council, to direct such postmasters as he may deem

proper to receive deposits, which shall be remitted daily to him at Ottawa. It is required that each deposit shall be promptly entered in the depositors' books by the postmaster and the entry attested by him as well as by the dated stamp of his office.

Upon the receipt of the deposit at Ottawa the postmaster-general shall cause the same to be acknowledged to the depositor, which shall be conclusive evidence of the latter's claim thereto, and such interest as may from time to time accrue thereon.

In order, however, that the depositor shall run no risk during the time intervening between the deposit and the receipt of the postmaster-general's acknowledgment, the law provides that the entry in the depositor's book at the post-office of deposit shall be conclusive evidence as to his right to the deposit for ten days from the date thereof. At the expiration of this period, should the postmaster-general's acknowledgment have failed to reach the depositor, the latter may demand it, and the entry in the book in question in such case shall be conclusive evidence of his title to the amount for an additional ten days. A deposit can not be less than $1, nor of any sum not a multiple thereof.

Money deposited can not be seized or detained while in the hands of the postmaster-general or while in transit to or from that officer, under legal process against the depositor.

Upon complying with certain rules the depositor or his representative may withdraw the amount of the deposit, or any part thereof, and the authorities shall allow no unnecessary delay to ensue in this connection.

Postmasters and others connected with the post-office at which deposits are made or repaid are not allowed to disclose the names of the depositors, the amount of the deposit, or of that withdrawn, to other than the postmaster-general, or such of his officers as may be appointed in connection with the post-office savings-bank system.

All moneys deposited with the postmaster-general on account of this system are immediately paid over to the receiver-general of Canada, who credits them to the post-office savings-bank account, and all sums withdrawn by depositors or others authorized are repaid from this fund through the postmaster-general.

The interest on deposits of this character is 4 per centum, and dates from the first of the month following the deposit and ceases on the first of the month in which the deposit may be withdrawn.

The accumulated interest is added to the principal and becomes part thereof on the 30th of June each year.

A report is required to be made as soon as possible after the expiration of each month, to the auditor of public accounts, of the moneys received and paid during the preceding month, as well as of the total amount on deposit, by the postmaster-general. This statement is published in the Canada Gazette, the official organ of the Government, for the information of depositors and others.

The postmaster general is also required to render a statement to Parliament, within ten days after its following session, of the deposits received and the amount withdrawn, the expenses incurred in connection therewith during the fiscal year preceding, together with an exhibit of the total amount due to depositors on the 30th of June as indicated.

The postmaster-general, subject to the conditions of the act, is empowered to frame regulations governing deposits and all other matters appertaining thereto. He is, however, required to submit such regulations to Parliament fourteen days after they shall have been

framed, should it be in session, but if not, then fourteen days after the next ensuing session.

A deposit of any one person can not exceed $300 in any fiscal year, excepting in special cases and by express authority of the postmaster-general. Interest is not allowed on sums over $1,000 during any period.

A depositor, upon making his first deposit, is required to give his name in full, and his vocation and residence, to the postmaster or other officer of the post-office department, and to make and sign the declaration provided by law and regulations, which must be witnessed by the officer receiving the deposit or some person known to him, or by a justice of the peace.

Should the declaration or any part thereof not be true, the depositor loses all right and title to the deposit.

Depositors are not required to continue making their deposits at the original office of deposit, but may do so at any office of deposit in the Dominion; this applies to withdrawing deposits also.

In changing from one office of deposit to another no notice to the authorities or change of pass book is required.

Depositors are required, on the anniversary of their first deposit, in each year, to forward their books to the postmaster-general in order that the entries therein may be compared with the entries in the books of his department, as well as for the purpose of adding the accumulated interest to the principal.

Books for the use of depositors are furnished free by the post-office department. No postage is charged on these books when in transit through the mails to the postmaster-general. Married women, or women who may afterwards marry, have sole control of their deposits.

The foregoing appear to be the most important features in the laws and regulations governing the post-office savings-bank system of the Dominion. From a statement showing the business of that system, year by year, since its establishment on the 1st of April, 1868, to June 30, 1882, prepared by Mr. J. C. Stewart, superintendent of the savings-bank system in 1882, and kindly furnished me by Mr. F. E. Ermatinger, postmaster of this city, I glean the following:

In 1868 there were 81 post office savings banks. On June 30, 1882, they had increased to 308. On June 30, 1868, the deposits amounted to $212,507, and on June 30, 1882, they had reached $6,435,989. On June 30, 1868, the amount standing to the credit of all open accounts, inclusive of interest, was $204,588.89, and on June 30, 1882, $9,473,661.35.

The business of 1882, as compared with that of 1881, shows an increase of 25,633 deposits and an increase in the amount of deposits of $2,260,947.

The number of depositors' accounts increased from 39,605 in 1881 to 51,463 in 1882, an increase of 11,858, and the balance due to depositors increased in the latter year $3,265,434.76.

The total amount of interest allowed to depositors, added to their deposits since April, 1868, amounted on June 30, 1882, to $1,686,111.79.

The expense of maintaining the post-office savings bank, including interest allowed to depositors and all expenses of management, averages about 4⅓ per centum on the balance in the hands of the Government.

The total loss sustained by the Government, on account of the post-office savings bank, since 1868, is $6,517.67. The cause of this loss does not appear in the report adverted to above, and I am therefore unable to explain it.

PHILIP CAROLL, *Commercial Agent.*

COMMERCIAL AGENCY OF THE UNITED STATES,
Port Stanley and St. Thomas, Canada, December 11, 1882.

POST-OFFICE, POSTAL SAVINGS BANKS, POSTAL TELEGRAPHS, AND RAILWAYS OF THE UNITED KINGDOM.

[By Consul-General New, of London, 1890.

POST-OFFICE.

The estimated number of letters, postal cards, etc., delivered in the United Kingdom in the year ended March 31, 1890, was 2,511,253,000, an increase of 6.3 per cent when compared with the previous year. The average number to each person in the Kingdom was 66.2.

The following table gives the number of letters, etc., dealt with and the average number per head of the population for the year ended March 31, 1890:

Division.	Estimated population.	Letters.		Book packets, circulars, and samples.		Newspapers.	
		Number.	Per head of population.	Number.	Per head of population.	Number.	Per head of population.
England and Wales	29,113,783	1,413,100,000	48.5	381,300,000	13	126,600,000	4.3
Scotland	4,087,927	140,300,000	34.3	42,400,000	10.4	16,700,000	4.1
Ireland	4,717,429	96,800,000	20.5	22,000,000	4.7	16,000,000	3.4
Total	37,919,139	1,650,200,000	43.5	445,700,000	11.8	159,300,000	4.2

Division.	Postal cards.		Telegrams.		Parcels.	
	Number.	Per head of population.	Number.	Per head of population.	Number.	Per head of population.
England and Wales	184,400,000	6.3	52,436,779	1.8	35,269,047	1.2
Scotland	22,900,000	5.6	6,545,654	1.6	4,528,364	1.1
Ireland	9,800,000	2.1	3,420,966	.7	2,955,159	.6
Total	217,100,000	5.7	62,403,399	1.6	42,852,570	1.1

The number of letters dealt with at the returned-letter office was 6,311,102. Of this number, 119,386 were reissued to corrected addresses, 5,539,551 were returned to senders, and 214,839 returned to foreign countries. About 28,790 letters were posted without any addresses, and of these 1,495 contained cash, bank notes, and checks of the value of over $30,000.

It is expected that the mail service between England and Japan and China will come into operation in 1891.

Money orders.—The number of money orders issued in the United Kingdom was as follows:

Description.	Number.			Amount.		
	1889.	1888.	Increase or decrease.	1889.	1888.	Increase.
Inland	9,027,750	9,228,183	—200,443	$116,667,085	$114,788,245	$1,878,840
Colonial	81,717	74,085	+ 7,632	1,531,720	1,342,035	189,685
Foreign	282,108	261,475	+ 20,651	3,463,155	3,217,195	245,960
Total	9,391,575	9,563,725	—172,150	121,661,960	119,347,475	2,314,485

The amount sent to the United States by money order was $900,130, and received from the United States, $5,301,300, out of a gross total received from all foreign countries of $7,541,205.

The number of postal orders issued was 44,712,548, of the value of $88,689,010, an increase, respectively, of 4,430,227 and $8,628,615 as compared with the previous year.

Savings banks.—The following table shows the business done by the post-office savings banks for the last five years:

Year.	Number of post office savings banks.	Deposits.			Interest credited to depositors.	Withdrawals.	
		Number.	Amount.	Average amount of each deposit.		Number.	Amount.
1885	8,106	6,474,484	$75,173,470	$11.60	$5,460,560	2,280,062	$66,013,710
1886	8,351	6,562,395	78,484,260	11.95	5,847,950	2,390,655	68,449,715
1887	8,720	6,916,327	82,679,660	11.95	6,220,370	2,496,294	73,401,395
1888	9,022	7,540,625	95,261,130	12.62	6,664,190	2,633,808	79,013,675
1889	9,353	8,101,120	99,071,540	12.22	7,215,930	2,757,848	84,071,340

Year.	Average amount of each withdrawal.	Charges of management.	Number of accounts opened.	Number of accounts closed.	Number of accounts remaining open at close of year.	Amount (inclusive of interest) standing to credit of all open accounts at close of year.	Average amount standing to credit of each open account at close of year.
1885	$26.95	$1,282,010	750,862	548,887	3,535,650	$238,489,190	$67.45
1886	28.62	1,452,775	758,270	562,499	3,731,421	254,376,690	68.16
1887	29.39	1,442,090	794,592	574,252	3,951,761	269,870,525	68.29
1888	30.00	1,634,950	887,460	618,294	4,220,927	292,781,970	69.35
1889	30.47	1,684,770	924,010	637,128	4,507,809	314,998,100	69.87

The total number of accounts open at the end of the year was distributed as follows:

Division.	Number.	Proportion to population.	Average balance due to each depositor.
England and Wales	4,162,529	1 to 7	$69.85
Scotland	159,920	1 to 25	43.06
Ireland	185,360	1 to 25	93.72
Total	4,507,809	1 to 8	69.87

Telegraphs.—The number of telegrams sent during the year was 62,403,399, against 57,765,347 in the previous year.

The following table shows the total cost of the telegraph service in each of the last five years:

Year.	Receipts.	Expenditures.			Annual interest on capital.	Deficit.
		Telegraph vote.	Votes of other departments.	Total.		
1885-86	$8,936,320	$8,665,520	$496,485	$9,162,005	$1,632,085	$1,857,770
1886-87	9,435,800	9,698,820	464,340	10,163,160	1,632,085	2,359,445
1887-88	9,964,745	9,641,725	353,440	9,995,165	1,632,085	1,662,505
1888-89	10,649,825	9,846,620	360,185	10,206,805	1,768,935	1,325,915
1889-90	11,819,180	10,907,360	404,190	11,311,550	1,496,080	988,450

Postal revenues and expenditures.

Receipts:		
Postage on letters, parcels, etc		$45,734,205
Commission on money orders		648,140
Commission on postal orders		977,025
Value of unclaimed money orders		14,500
Savings bank		1,865,020
Revenue from telegraphs		11,819,180
		61,058,070
Expenditures:		
Postal service (including money-order and postal-order business)	$28,004,440	
Packet service	3,326,875	
Savings bank	1,684,770	
Telegraph service	11,311,550	
		44,327,635
Net revenue		16,730,435

The net revenue shows an increase of $732,215 over the previous year.

RAILWAYS.

The working of the railways of the United Kingdom in 1889 was very satisfactory, inasmuch as more work was done and more money earned than in any previous year.

The increase in capital stock added was smaller than in any year since 1880, being only $59,496,015, or 1.4 per cent. The total amount of ordinary capital was $1,631,147,790, on which the rate of dividend was 4.66 per cent; guaranteed and preferred capital, $1,637,233,135; rate of dividend, 4.12 per cent; loans and debenture stock, $1,114,594,905; dividend, 4.11 per cent; or a dividend at the rate of 4.32 per cent on the total capital.

The total receipts from traffic were $385,125,085, an increase of $20,651,760, or 5.7 per cent, compared with 1888, made up as follows: Passenger traffic, $163,153,620, an increase of 5.3 per cent; goods traffic, $205,431,660, an increase of 6 per cent; and miscellaneous receipts (which include rents, tolls, revenue from steamboats, and other items), $16,539,800, or 4.9 per cent.

The total working expenditure was $200,470,580, an increase of $11,660,045, or 6.2 per cent, as compared with the previous year. This increase was principally due to increased cost of wages and materials, and was equal to about 1 cent per train mile.

The following table gives the train-mileage expenditure under the various headings of outlay for 1888 and 1889, with increase or decrease in 1889 as compared with 1888:

Description.	1889.	1888.	Increase.	Decrease.
	Cents.	*Cents.*	*Cents.*	*Cents.*
Maintenance of way	10.38	10.20	0.18	.....
Rolling stock	5.96	6.04	.....	.05
Locomotive power	16.62	15.75	.84	.....
Traffic expenses	19.42	19.36	.06	.....
General charges	2.78	2.84	.....	.06
Rates and taxes	3.52	3.56	.....	.04
Government duty	.54	.54	.....	.....
Compensations:				
Personal injuries	.40	.16	.24	.....
Damage to goods	.30	.28	.02	.....
Legal and parliamentary expenses	.42	.40	.02	.....
Miscellaneous	.78	.80	.....	.02
Total	61.08	59.94	*a* 1.14	.....

a Net increase.

The total quantity of minerals conveyed was 211,800,000 tons, and general merchandise 85,700,000 tons, an increase, respectively, of 5.1 and 7 per cent compared with the previous year. The receipts from carriage of minerals was $85,255,000; general merchandise traffic, $113,470,000; live stock, $6,700,000, an increase on minerals and general merchandise of 5.5 and 6.8 per cent, respectively, but a decrease on live stock of 1.3 per cent.

The number of passengers conveyed was 775,183,000, as against 742,499,000 in 1888, an increase of 4.4 per cent.

The mileage traveled by trains in 1888 and 1889 was as follows:

Year.	Passenger trains.	Goods trains.	Total, including mixed trains.
	Miles.	*Miles.*	*Miles.*
1889	161,100,000	139,000,000	303,100,000
1888	155,500,000	132,800,000	291,200,000
Increase	*a* 5,600,000	*b* 6,200,000	*c* 11,900,000

a 3.6 per cent. *b* 4.7 per cent. *c* 4.1 per cent.

Summary of mileage, capital, traffic, receipts, and net earnings of railways in the United Kingdom in 1888 and 1889.

Description.	1888.	1889.	Increase in 1889.	
			Amount.	Percentage.
	Miles.	*Miles.*	*Miles.*	
Mileage	19,812	19,948	131	0.7
Double or more mileage	10,772	10,853	81	.8
Capital	$4,323,479,815	$4,382,975,830	$59,496,015	1.4
Capital per mile open	218.225	219,775	1,550	.7
Ordinary	1,611,692,230	1,631,147,790	19,455,560	1.2
Receipts:				
Passenger	154,920,450	163,153,620	8,233,170	5.3
Goods	193,778,900	205,431,660	11,652,760	6
Miscellaneous	15,773,975	16,539,800	765,825	4.9
Total	364,473,325	385,125,085	20,651,760	5.7
Working expenses	188,810,535	200,470,580	11,660,045	6.2
Net earnings	175,662,790	184,654,505	8,991,715	5.1
	Per cent.	*Per cent.*	*Per cent.*	
Percentage of net earnings on capital	4.06	4.21	0.15	3.7

Railway receipts in the United Kingdom for the years 1885–1889, inclusive.

Year.	Total traffic receipts.	Total railway working expenses.		Net receipts from railway working.	
		Amount.	Proportion to total traffic receipts.	Amount.	Proportion to total loan and share capital.
			Per cent.		*Per cent.*
1885	$333,224,835	$177,137,665	53.2	$156,087,170	3.83
1886	333,076,885	175,552,360	52.7	157,524,525	3.80
1887	339,572,930	178,328,355	52.5	161,244,575	3.81
1888	348,699,350	181,836,440	52.1	166,862,910	3.86
1889	368,585,285	192,876,780	52.3	175,708,505	4.01

Receipts from passenger and goods traffic in the United Kingdom from 1885 to 1889, inclusive.

Year.	Passenger traffic.			Goods traffic.		
	Amount.	Increase or decrease.		Amount.	Increase or decrease.	
		Amount.	Percentage.		Amount.	Percentage.
1885	$148,865,110	—$1,287,140	—0.86	$184,359,725	—$3,993,235	—2.12
1886	151,224,690	+ 2,359,580	+1.59	181,852,195	— 2,507,530	—1.36
1887	152,866,435	+ 1,641,245	+1.09	186,706,495	+ 4,854,300	+2.67
1888	154,920,450	+ 2,054,015	+1.34	193,778,400	+ 7,072,405	+3.79
1889	163,153,620	+ 8,233,170	+5.31	205,431,665	+11,652,765	+6.01

Year.	Gross receipts.		
	Amount.	Increase or decrease.	
		Amount.	Percentage.
1885	$333,224,835	—$5,280,375	—1.56
1886	333,076,885	— 147,950	— .04
1887	339,572,930	+ 6,496,045	+1.95
1888	348,699,350	+ 9,126,420	+2.69
1889	368,585,285	+19,885,935	+5.70

Number of persons killed and injured on railways in the United Kingdom in the six months ended June 30, 1890.

Description.	Killed.	Injured.	Total for corresponding period in 1889.		Increase.		Decrease. a	
			Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Passengers:								
From accidents to trains, rolling stock, etc	6	121	81	523	.....	.....	75	402
By accidents from other causes	44	378	32	337	12	41	.....	.....
Servants:								
From accidents to trains, rolling stock, etc	8	58	.....	59	8	.....	.....	1
By accidents from other causes	209	1,327	199	1,229	10	98	.....	.....
Persons passing over railways at level crossings	37	16	31	16	6	.....	.....	.....
Trespassers (including suicides)	150	56	166	47	.....	9	16	.....
Other persons	23	40	17	31	6	9	.....	.....
Total	477	1,996	526	1,242	42	157	91	403

a Net decrease—killed, 49; injured, 246.

The number of persons killed and injured on railways in the United Kingdom during the six months ended June 30, 1890, was 477 killed and 1,996 injured, against 526 killed and 2,242 injured in the corresponding period in 1889. In addition to these numbers, 22 persons were killed and 3,112 injured while engaged in business on the premises of the various railway companies, but in which the movement of vehicles used exclusively upon railways was not concerned.

Occupations of employees of railway companies killed or injured in six months ended June 30, 1890.

Occupation.	Killed.	Injured.
	Number.	*Number.*
Brakesmen and goods guards	21	244
Capstan men	5	23
Checkers, chain boys, and slippers	2	32
Engine cleaners	4	23
Engine drivers	12	130
Firemen	9	156
Guards, passenger	3	55
Laborers	18	61
Permanent way men	42	47
Porters	21	225
Shunters	18	179
Signal men	1	12
Others	61	198
Total	217	1,385

JOHN C. NEW, *Consul-General.*

UNITED STATES CONSULATE-GENERAL,
London, December 30, 1890.

POST-OFFICE TELEGRAPH SERVICE IN GREAT BRITAIN.

[From Consular Report No. 92, April, 1888.]

The following is a statement showing the gross amount received and the gross amount expended in respect of the telegraph service in Great Britain from the date of the transfer of the telegraphs to the State to March 31, 1887:

	Amounts received by post-office in respect of telegrams, private wire rentals, etc.	Amounts received for old materials.	Amounts received for waste paper, etc.	Value of services performed without remuneration.	Total receipts.
Year ended Dec. 31—	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1870	609,734 19 1	.....	1,100 0 0	1,466 11 1	312,301 10 2
1871	732,365 11 2	.....	1,250 0 0	1,774 8 11	735,390 0 1
1872	970,083 6 9	.....	1,409 0 0	1,839 19 4	973,332 6 1
1873	1,045,543 19 4½	.....	1,268 0 0	2,350 8 7	1,049,162 7 11½
1874	1,160,538 0 1	2 5 1	1,350 0 0	5,854 15 8	1,167,745 0 10
Quarter ended Mar. 31, 1875 *a*	242,505 7 ½	8 9 11	326 0 0	3,518 19 6	1,533,982 5 11½
Year ended Mar. 31—					
1876 *a*	1,276,662 8 8	14 19 3	1,252 0 0	9,694 1 7	
1877	1,313,106 17 6½	27 9 10	1,335 0 0	13,845 15 3	1,328,315 2 7½
1878	1,333,542 8 2½	21 6 7	1,688 0 0	17,417 3 8	1,352,668 18 5½
1879	1,346,892 6 10	142 18 10	1,830 0 0	20,602 13 11	1,369,467 19 7
1880	1,452,489 3 6	507 1 1	1,417 0 0	15,382 1 11	1,469,795 6 6
1881	1,610,908 5 1¾	692 13 3	2,807 0 0	19,478 16 5	1,633,886 14 9¾
1882	1,630,443 0 8	67 2 8	1,960 0 0	21,920 10 2	1,654,390 13 6
1883	1,740,063 16 3½	40 17 7	1,878 6 3	26,087 10 0	1,768,070 10 1½
1884	1,760,898 12 11¾	32 0 2	2,517 15 0	25,775 2 5	1,789,223 10 6¾
1885	1,755,118 14 9½	69 7 0	2,128 15 10	27,097 8 2	1,784,414 5 9½
1886	1,758,169 10 9¾	350 2 11	1,748 0 0	26,997 0 0	1,787,264 13 8¾
1887	1,855,686 1 5	78 15 5	2,188 0 0	29,206 17 10	1,887,159 14 8
Total	23,594,752 10 8¾	2,055 9 7	29,452 17 1	270,310 4 5	23,896,571 1 4¾

	Total expenditures.	Balance to meet interest on stock, and redemption of debt.	Balance of expenditure over receipts.	Total.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Year ended Dec. 31—				
1870	350,376 4 6½	261,925 5 7½	.....	612,301 10 2
1871	496,694 16 3	238,695 3 10	.....	735,380 0 1
1872	833,908 4 3½	139,424 1 9¾	.....	973,332 6 1
1873	956,170 0 6¾	92,992 7 4¾	.....	1,049,162 7 11½
1874	1,081,937 2 5½	85,807 18 4½	.....	1,167,745 0 10
Quarter ended Mar. 31, 1875 *a*.	323,797 8 1¼	103,272 4 2	.....	1,533,962 5 11½
Year ended Mar. 31—				
1876 *a*	1,106,912 13 8½			
1877	1,208,401 17 4¾	119,913 5 2¾	.....	1,328,315 2 7½
1878	1,227,560 12 8½	125,108 5 9	.....	1,352,668 13 5½
1879	1,161,551 3 3¾	207,916 16 8¼	.....	1,369,467 19 7
1880	1,173,287 6 4	296,508 0 2	.....	1,469,795 6 6
1881	1,308,453 19 3½	325,432 15 6½	.....	1,633,886 14 9¾
1882	1,440,498 6 10¼	213,892 6 7¾	.....	1,654,390 13 6
1883	1,583,876 18 ¾	184,193 12 1¼	.....	1,768,070 10 1½
1884	1,808,920 12 ¾	.....	19,697 1 6	1,808,920 12 ¾
1885	1,820,764 6 9	.....	36,350 0 11½	1,820,764 6 9
1886	1,832,401 16 10¾	.....	45,137 3 2½	1,832,401 16 10¾
1887	2,032,632 8 10¾	.....	145,472 14 2¾	2,032,632 8 10¾
Total	21,748,145 18 4½	2,395,082 2 11	246,656 19 10¾	24,143,228 1 3½

a By the fourth section of the act 39 Vict., chap. 5, the period for which the parliamentary account of the receipts and expenditures of the telegraph service is to be rendered was altered from the year to 31st December to the year to 31st March.

POST OFFICE AND POSTAL TELEGRAPH IN RUSSIA.

[By Consul-General Way, of St. Petersburg, May 14, 1888.]

The following statement shows the number of post-offices and the business transacted by the same in the years 1885–86:

Number of post-offices	4,830
Number of simple letters passed through the same	139,103,194
Postal cards	11,642,962
Registered letters	12,030,224
Valuable letters (containing, as declared, $254,517,459)	10,423,649
Newspapers	102,515,895
Sample packages	17,503,609
Total receipts	$13,222,544

The telegraph lines in Russia are owned and operated by the Government. In the year 1884 the working of the telegraph lines showed:

Number of miles of telegraph wire and cables in operation	155,295
Number of officers	3,325
Number of dispatches	10,471,084
Total receipts	$7,074,339
Expenses	$6,546,306
Profits	$528,033

POSTAL SAVINGS BANKS IN THE NETHERLANDS.

[Consul Eckstein, of Amsterdam, April 3, 1890.]

The official journal of a recent issue contains some of the figures representing the operations of the Government postal savings bank during the closing month of 1889, as well as the amounts credited for interest to the depositors, and the total amount of deposits in the said institution at the end of the year 1889, as follows, viz: Amount of the deposits, 906,182.43½ florins; amount refunded, 678,098.29½ florins; sur-

plus of deposits, 228,084.14 florins. At the end of the month of November the deposits amounted to 16,912,600.22 florins. For interest, covering the year 1889, was credited on the books of the different depositors 382,227.20 florins, showing the total amount due depositors on the 31st of December, 1889, to be 17,522,911.56 florins. In the course of the month of December, 1889, 4,375 new bank books were issued; 1,146 were fully paid up, leaving, at the end of the said month, 241,175 bank books in circulation.

D. ECKSTEIN, *Consul.*

UNITED STATES CONSULATE,
Amsterdam, April 3, 1890.

FRENCH TELEGRAPH AND POSTAL SERVICE.*

[Report by Consul Peixotto, of Lyons, 1882.]

The postmaster-general of France (ministre des postes et télégraphes) has just published a document showing the business of the French post-office, and making a comparison for the years 1877 and 1881.

From an examination of this interesting communication, I have the honor to report: In 1881 the number of letters and packages sent through the mails amounted to 1,340,000,000, against 865,000,000 in 1877, an increase of 475,000,000. In fact, all the categories show an increase except two. Here is a brief statement:

	1877.	1881.
Prepaid letters	374,000,000	563,000,000
Printed matter (in wrappers)	161,000,000	297,000,000
Printed matter (in envelopes)	44,000,000	50,000,000
Newspapers	219,000,000	354,000,000

Letters unpaid or not fully paid show a decrease. In 1877 the number was 7,789,000; in 1881, 5,978,000.

As to postal cards, in 1877 the number sent through the mails was 32,800,000; in 1881, 32,234,000. This decrease is nothing (though still interesting to note) compared with the large increase in all other mail matter, viz, of 56 per cent in four years.

The number of post-offices at the close of 1881 was 6,185. The number to-day is 6,487, an increase of 329.

One thousand seven hundred petitions for new offices have already been received for the present year. Of this number 1,200 will be established, answering to the actual wants of the service, according to the minister.

France is much behind in her present postal service. It is estimated that over 30,000 communes (townships) are without post-offices. In this respect, according to her popu ation, France holds but the tenth rank among postal nations.

The number of post-office boxes for the reception of letters has increased but 4,000 since 1877. The number of postal wagons is 323. They form eighty services, employing 2,615 carriers. The ambulant service for 1881 covered 17,459,410 kilometers (10,912,231 miles), about

* The telegraph in France is owned and operated the same as the post—by the Government.

one-fourth of the territory of France. In 1877 it was but 11,000,000 kilometers (6,875,000 miles).

Postal money orders.—The postal service for the collection of money was established only in 1879. The following table will show the results of this branch of the French post-office in this short period:

Description.	1879.	1881.
Collections presented:		
Number	425,981	2,937,382
Amount ... francs	9,564,798	68,173,450
Collections made:		
Number	285,298	1,866,683
Amount ... francs	6,708,960	48,874,360

The postal parcel delivery was organized only in 1881. The following is the result of the business of this new branch for the last eight months of the year 1881:

	Packages.
May	349,676
June	425,778
July	411,494
August	410,182
September	482,718
October	631,526
November	666,761
December	808,732
Total	4,186,867

Telegraph service.—The increase in the number of telegraphic messages sent is still greater—138 per cent. In 1881 the number of telegraphic messages transmitted amounted to 19,466,000, viz: 17,514,000 inland and 1,952,000 foreign. In 1876 the inland messages transmitted were 7,180,000 and foreign 993,000, a total of only 8,174,000.

The telegraph, like the post, is under the charge of, as it is owned by, the Government. The number of telegraph offices is actually 5,481. The total length at present is 73,944 kilometers (about 46,255 miles), and before the end of this year it will be 87,020 kilometers (about 54,387 miles).

BENJ. F. PEIXOTTO, *Consul.*

UNITED STATES CONSULATE,
Lyons, August 31, 1882.

SAVINGS INSTITUTIONS OF ITALY.

[Report by Consul Crain, of Milan.]

Official and other publications show a notable increase in the savings of the Italian people.

On the 30th of June, 1882, there were in Italy 357 banks for savings, counting their branches and agencies; 191 popular banks (banche popolari), designed to help the working classes and paying interest on deposits; 64 institutions of credit; 3,449 post-offices accepting savings deposits; in all, 4,061 institutions dedicated to this beneficent object.

The showing at the above date was—

	Number.	Number of bank books.	Amount of deposits.
Savings banks	357	1,024,385	$141,621,996.73
Popular banks	191	121,812	24,664,085.00
Institutions of credit	64	95,509	15,027,251.93
Postal savings banks	3,449	545,114	14,964,700.63
Total	.....	1,786,820	196,278,034.29

It is not to be supposed that this amount represents exclusively savings, as some of it was deposited for temporary safe-keeping. However, the deposits in post-offices reveal that a real spirit of savings is taking root in Italy, as the small sums aggregate nearly $15,000,000.

The average of deposits in these postal institutions for the first six months of 1882 was:

January	$19.30
February	17.37
March	16.98
April	17.56
May	17.75
June	17.08

The average in the other savings institutions for the same period was:

Savings banks	$40.92
Popular banks	115.80
Other institutions	107.12

The average value of every book outstanding in the country on June 30, 1882, was:

For savings banks	$138.24
For popular banks	202.32
For other institutions	157.34

With a general average of $165.86 per book, against $27.44 for postal savings banks.

During the same six months books were issued and canceled as follows:

	Number of books.	Amount of deposits.
Savings banks:		
Issued	89,204	$28,152,386
Canceled	64,572	25,013,900
Popular banks:		
Issued	18,626	15,214,797
Canceled	9,505	13,977,970
Other institutions:		
Issued	14,487	11,074,769
Canceled	10,002	10,711,108
Postal banks:		
Issued	81,607	8,218,554
Canceled	7,587	6,184,249
Total increase	.....	6,753,279

Altogether, Italy, with its 4,061 savings institutions, had issued in six months 203,924 books, with 1,378,611 deposits, amounting to $62,660,508.64, and had canceled 91,669 books, with 346,372 reimbursements, amounting to $55,924,578.48; so that the savings were increased $6,735,930.18.

These figures, though modest in comparison with the accumulations

in some other countries, are yet an eloquent expositor of the material and moral progress now dawning upon Italy.

Luzzatti, the Italian statesman, who has been the chief promoter of these savings institutions, has truly said that—

> The laboring hero of savings has fought and won a battle which leaves no traces for the proud historian to record, but which will exercise a great influence upon national temper and character.

DUNHAM J. CRAIN, *Consul.*

UNITED STATES CONSULATE,
Milan, October 14, 1882.

POSTAL SAVINGS BANKS IN HOLLAND.

[Report by Consul Eckstein, of Amsterdam.]

This institution, established pursuant to the provisions of a law dated the 25th of May, 1880, and by royal resolution dated the 5th of March, 1881, came into operation on the 1st of April, 1881.

The whole of the management is conducted at the principal office at Amsterdam, and intrusted to a director, subject to a supervision of a board of control composed of five members who, as well as the said director, are appointed by the King.

Money deposits can be made at any general or branch post-office, of which there were 809 throughout the Kingdom on December 31, 1881. The smallest amount received is 25 cents, or about 10 cents United States currency.

In order to encourage as much as possible small savings, forms for the making of small deposits in postage stamps are issued gratuitously at every post-office and by every licensed vender of postage stamps. Each of these forms is adapted for the fixing thereon of twenty "stamps" of one "stuiver," or 5 cents Dutch currency, each, and when filled is received as a deposit of 1 florin, or about 40 cents United States currency. I here annex such a form:

RIJKS-POSTSPAARBANK. Formulier voor inlagen van *een gulden* in frankeerzegels.	[5-ct. stamp.]	[5-ct. stamp.]	5-ct. stamp .]		
Elk vakje is bestemd voor aanhechting van een vijf-cents-frankeerzegel.					
SPAARBANKBOEKJE: No. — kantoor..... *ten name van:*..... Dagteekening-stempel.					

Deposits can be made by anyone, including minors and married women, as well as in favor of third parties. They can be withdrawn only by the depositor himself, or by a person duly authorized by him.

Every deposit is entered in a little book issued gratis to the depositor when he makes his first deposit, on which occasion he has to sign a certain form of declaration, by which he obligates himself to conform to the laws existing or hereafter to be passed, and, so far as they relate to depositors in the Government or postal savings banks, subsequent deposits can be made by him through anyone to whom he may choose to intrust his book.

Deposits can be made and withdrawn at another post-office than the one where the first entry in the depositor's book was made.

Interest on the deposits is paid at the rate of 2.64 per cent per annum.

At the end of every year after the first entry in his book the depositor has to send the same to the director, who causes the interest accrued in the course of the year to be entered therein; but should the whole of the depositor's savings be withdrawn at any intermediate time, the accrued interest up to that period is paid to him at once.

All correspondence between depositors and the director is transmitted free of postage, for which purpose printed forms are issued gratis at the several post-offices.

Pursuant to article 16 of the before-mentioned law, the board of control has fixed the following rules with regard to the investment of money deposits: At least three-fourths of the deposits have to be actually invested, and the remaining one-fourth can be kept floating by temporary loans given on the security of stocks in accordance with the rules laid down for such loans by the committee of the Amsterdam Stock Exchange.

As a rule, one-half of the deposits has to be invested in 2½ per cent national debt of the Netherlands, and duly entered in the groot boek (public ledger) of the said debt. The remainder of the capital to be invested can be used in purchasing bonds issued by provincial and municipal governments, in so far as these are quoted in the list published by the Amsterdam Stock Exchange, or bonds issued by the National and Rotterdam mortgage banks.

Th restitution of the deposited amounts, as well as the payment of the interest due thereon, is guaranteed by the State.

In order to promote the object of this useful institution, the director has published a pamphlet headed "Government postage savings banks," thousands of copies of which have been spread gratuitously throughout the country, and a circular has been addressed to the directors of all important companies, as well as to local authorities and officials, and others who are in a position to exercise influence, requesting them to do all in their power to induce those who are in their employ or stand under them to avail themselves of this easy and convenient means of providing against the evils of misfortunes or less prosperous times. And although this institution has existed but a short time, the results are most satisfactory, as will be evident from the following data, drawn from a report issued by the minister of public works, trade, and industry, on the operations of the postage savings banks during the past year—that is, from the commencement, on the 1st of April, 1881, to the 31st of December of that year:

Statement showing, by provinces, the amounts deposited, the amounts withdrawn, and the balance remaining, as well as the number of "savings-bank books" issued and returned (paid up), and the number remaining in circulation on the 31st of December, 1881.

Province.	Deposited.	Withdrawn.	Balance.	Number of savings-bank books.		
				Issued.	Returned.	Circulating.
	Florins.	*Florins.*	*Florins.*			
North Brabant	225,062.81[5]	48,039.95	177,022.86[5]	3,271	143	3,128
Gelderland	126,966.72	31,901.70	95,065.02	2,614	89	2,525
South Holland	271,671.26	70,854.10	200,817.16	6,209	304	5,905
North Holland	237,686.13[5]	77,215.67[5]	160,470.46	4,364	167	4,197
Zeeland	51,420.19[5]	10,207.32	41,212.87[5]	1,592	35	1,557
Utrecht	59,936.80	11,117.39	48,819.41	1,271	57	1,214
Friesland	30,800.38	5,781.04	25,019.34	1,213	46	1,167
Overyssel	41,219.36[5]	7,979.09	33,240.27[5]	1,172	42	1,130
Groningen	17,255.25	1,455.07	15,800.18	646	26	620
Drenthe	10,958.25	3,971.52	6,986.73	272	2	270
Limburg	53,984.79	8,099.38[5]	45,885.26	1,149	31	1,118
Total in Kingdom	1,126,961.96	276,622.24	850,339.57[5]	23,773	942	22,831

Statement showing the number of deposits and withdrawals in each province from April 1 to December 31, 1881.

Province.	Number of deposits.						Total.
	In postage stamps.	In money each of—					
		.25 florin.	.26 to 1 florin.	1.01 to 9.99 florins.	10 to 100 florins.	100 florins and over.	
North Brabant	1,250	897	3,332	3,525	2,042	433	11,497
Gelderland	1,152	538	2,353	2,430	1,412	226	8,111
South Holland	4,265	1,760	6,392	6,731	3,427	474	23,409
North Holland	2,887	1,073	4,722	6,324	2,797	416	18,219
Zeeland	752	571	1,423	1,381	634	90	4,851
Utrecht	692	412	1,226	1,226	571	137	4,264
Friesland	520	799	1,865	1,505	530	37	5,256
Overyssel	442	454	1,254	1,250	557	68	4,025
Groningen	397	203	613	545	233	36	2,027
Drenthe	104	41	282	278	131	22	858
Limburg	627	251	1,006	1,288	607	105	3,884
Total	13,088	6,999	24,468	26,483	12,941	2,044	86,023

Province.	Number of withdrawals.							Total.	
	Direct to depositors in sums of—		Total.	To order of depositors in sums of—					
	1 florin or less.	1.01 to 10 florins.		1 florin or less.	1.01 to 10 florins.	10.01 to 100 florins.	100 florins and over.		
North Brabant	84	376	460	23	52	183	86	344	804
Gelderland	61	379	440	15	36	159	46	256	696
South Holland	228	1,363	1,591	75	149	391	128	743	2,334
North Holland	146	1,267	1,413	29	93	424	128	674	2,087
Zeeland	18	85	103	10	15	40	15	80	183
Utrecht	35	141	176	11	32	69	21	133	309
Friesland	30	204	234	16	15	68	8	107	341
Overyssel	42	150	192	12	18	43	20	93	285
Groningen	19	55	74	9	13	18	2	42	116
Drenthe	3	35	38	.....	4	13	8	25	63
Limburg	18	98	116	3	15	40	13	71	187
Total	684	4,153	4,837	203	442	1,448	475	2,568	7,405

The Governments of this country and Belgium entertain a high appreciation of post-office savings banks, and they are favored by public sentiment in these countries. As evidence of this I conclude this report by stating that authorized representatives of the two countries a few days ago met at The Hague to perfect arrangements for a convention between Holland and Belgium, with the object in view of making deposits in the Government or postal savings banks in the Netherlands payable also in Belgium, and vice versa.

D. ECKSTEIN, *Consul.*

UNITED STATES CONSULATE,
Amsterdam, November 8, 1882.

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., June 12, 1897.

SIR: In compliance with your request of a few days ago that the committee be furnished with copies of the consular reports named in the response by this Department to the Senate resolution of May 17 regarding savings banks, I inclose herewith—

(1) Copy of report of consul-general at Vienna, April 2, 1886.
(2) Copy of report of consul at Ghent, April 25, 1882.
(3) Copy of report of consul at Amsterdam, December 8, 1883.

The report dated May 9, 1889, named in your letter, is simply an ordinary letter of transmittal from the Department of State, inclosing a pamphlet of 10 pages printed in the French language, entitled "Extract from the report to the King concerning postal savings banks in the Netherlands."

Respectfully,

PERRY S. HEATH,
Acting Postmaster-General.

Hon. WILLIAM E. CHANDLER,
Chairman Committee on Post-Offices and Post-Roads,
United States Senate.

UNITED STATES CONSULATE,
Amsterdam, December 8, 1883.

SIR: In a report I made on postal savings banks in Holland, November 8, 1882, I remarked that this country and Belgium entertain a high appreciation of such institutions, and that representatives of these countries met at The Hague to perfect arrangements for a convention with the object in view of making deposits in the Government or postal savings banks in the Netherlands payable also in Belgium, and vice versa.

I have now the honor to inform you that such a convention has not only been concluded and ratified, September 16, 1883, but that it has already gone into effect, November 1, 1883.

Herewith inclosed I beg respectfully to hand you a printed copy of the said convention and a copy of the regulations for making the same operative.

Copies of certain printed blank forms required in effecting transfers and withdrawals of deposits are also herewith forwarded.

I should have much preferred to send English translations of the documents herewith transmitted if it were not, and to my sincere

regret, so very difficult to procure in this city correct translations from any language into English, and, besides, so time consuming and expensive.

For the inclosures herewith I am indebted to A. P. Th. Sassen, postal savings director of the Government postal savings banks of the Netherlands at Amsterdam.

I am, sir, respectfully, your obedient servant,

D. ECKSTEIN, *Consul.*

Hon. JOHN DAVIS,
Assistant Secretary of State, Washington, D. C.

UNITED STATES CONSULATE-GENERAL,
Vienna, April 2, 1886.

SIR: Pending the discussion of the measures to be introduced in Congress for the establishment of postal savings bank, it may be of interest to the House Committee on Post-Offices to be fully informed with reference to postal savings banks established in other countries, and I beg leave, therefore, to transmit herewith the most complete detailed information obtainable regarding the postal savings bureau of Austria.

The postal savings bureau of Austria was established in 1882. England was the first power in Europe to inaugurate this system of government savings banks, under an act passed in 1861. Belgium followed the example of England in 1869; Italy, in 1875; the Netherlands, in 1880; France, in 1881, and Sweden one year later than Austria, viz, in 1883.

The law passed by the Reichsrath of Austria on the 28th of May, 1882, for the purpose of establishing these postal savings banks provides in substance as follows:

Article 1: The State guarantees the deposits and places the postal savings deposits under the control of the minister of commerce. All post-offices designated for that purpose by the minister of commerce to serve as places of deposit. The name of the institution to be "post savings bureau" (post sparkasunamt). This bureau to be a separate department, to be carried on in connection with the post-office department.

Article 2: The savings deposits shall be received by the post savings bureau and paid out through the post-offices.

Article 3: All deposits exceeding the probable amount to be drawn by depositors to be invested in interest-bearing Austrian securities. The investment to be made by the post savings bureau.

Article 4: Out of the proceeds of these securities all interest on deposits as well as all current expenses are to be paid. If the amount of such proceeds should at first be insufficient for this purpose, the deficiency is to be paid by the State and to be charged to the account of the post-office department. These advances to be repaid out of the surplus of the post savings bureau at the close of the year, and the balance of surplus remaining after such payment to serve as a reserve fund.

Article 5: Every depositor receives a deposit book from the post-office where hemakes his deposit, in which book every deposit, every repayment, and the interest due are to be entered.

The deposit book is furnished gratis and free of stamp duty, the post savings bureau to open a separate account for every depositor.

Article 6: The deposit book is issued in the name of the party making the deposit, and contains a description identifying the depositor and also his signature. Depositors who can not write are required to

be accompanied by a trustworthy person who can identify the depositor and who must sign the deposit book in his stead.

A transfer of the deposit book will only be recognized, if such transfer has been made, at a post-office designated as a place of deposit.

Minors are authorized to make deposits and to withdraw them, unless objection in writing is filed by their guardian. In case of the loss of a deposit book a duplicate will be issued.

Only one deposit book can be issued to one and the same person.

Whoever obtains more than one deposit book forfeits the interest on all moneys deposited and entered in the additional books.

The officers of the post-offices are prohibited from giving to any person, except their superiors, any information whatever with reference to the names of depositors or the amounts deposited.

Article 7: Every deposit must amount to at least 50 kreutzers (20 cents).

The total amount of each deposit account shall, after deducting the amount drawn out, not amount to more than 300 florins ($160) ($120?) in any one year.

The total sum standing to the credit of any one depositor for principal and interest shall, after deducting the amount drawn out, not exceed the sum of 1,000 florins ($400).

Deposits not exceeding 50 kreutzers may be made in postage stamps or in post savings stamps whenever the latter stamps shall have been issued by the minister of commerce, these stamps to be pasted on blanks furnished by the minister of commerce.

Article 8: The rate of interest on deposits shall be 3 per cent per annum. This rate can only be changed by legislation.

Article 9: Interest on deposits begins to run on the 1st or the 16th of the month succeeding the day of deposit, and interest ceases on the 1st or 15th day of the month preceding the notice of withdrawal. No interest to be paid on sums under one florin. On the 31st day of December of each year the amount of interest due is added to the interest-bearing principal.

Article 11: The post savings bureau is required to notify depositors whenever their deposit exceeds 1,000 florins, and request them to reduce their deposits.

If within one month after such notice the depositor does not reduce his deposit, the bureau is authorized to purchase interest bearing State bonds for account of such depositor and to notify him of their purchase.

During the time intervening between the notice to reduce the deposit and the day of reduction no interest is paid.

In case depositors do not take possession of such securities, purchased as aforesaid, the postal savings bureau draws the interest on the same and credits the amount to the depositor as a new deposit. The depositor receives a book, in which the securities held to his credit by the post savings bureau are deposited.

Article 12: At the request of the depositor his deposit, if sufficient in amount, may be invested in Austrian State bonds.

Article 13: The repayment of a deposit is made only upon notice to a post-office designated as a place of deposit. Such repayment to be made on presentation of a written order of the postal savings bureau.

Sums not exceeding 10 florins may be repaid on demand, sums from 10 to 100 florins in fifteen days, from 100 to 500 florins in one month, and sums exceeding 500 florins in two months after notice.

Article 14 provides for manner of application for new deposit books in place of those lost.

Article 15 provides that general statute of limitation shall apply to savings deposit, but that every new deposit, notice of withdrawal, and every interest shall take case out of statute.

Article 16: Securities purchased on account of depositors are forfeited to the post-office department if the same or the interest on same has not been claimed within forty years.

Article 17: Books of deposit and amounts deposited can not be attached or garnisheed, but this provision does not apply to the securities held in trust as provided. If a depositor is adjudged a bankrupt the assignee in bankruptcy may attach and receipt for his deposits.

Articles 18 and 19: The reserve fund is to be created by the surplus remaining after payment of interest and expenses and arising from the usufructuary management of the deposits. This fund is gradually to be raised to a sum equal to 5 per cent of the total deposits, but shall not exceed 2,000,000 florins.

This reserve fund is to be placed on interest, this interest to be added to the principal until the maximum is reached, and whenever it exceeds this maximum the excess is to be credited as receipts of the post-office department.

Article 20: Full report of status of post savings bureau to be published annually by minister of commerce and to be submitted to the Reichstag.

Article 21: All correspondence appertaining to post savings bureau free of postage.

No income tax imposed on interest accruing on deposits.

It appears from official reports that up to the 1st of March, 1886, the grand total of deposits amounted to 412,701,716.98 florins, which were distributed in 514,382 deposit books. From this amount there were drawn out and repaid during the same period 373,809,232.92 florins, leaving a balance of 38,892,484 florins in deposit, and of this balance 32,681,400 florins were invested in Austrian securities, in accordance with the provisions of law.

The intention and purpose of the law, viz, to encourage the middle classes to deposit their small savings in this Government savings bank has not been realized to so great an extent as the total of nearly 39,000,000 of florins now on deposit would seem to indicate. The fact is that only about 9,500,000 of this grand total have been deposited in small sums for savings purposes, the balance being the result of daily deposits by merchants who have gradually inaugurated in the postal savings bureau a check system almost exactly like the one prevailing in our private banks in the United States, and are now depositing their receipts daily and drawing them out by check on demand and without previous notice, a practice for which there is no authority whatever in the law creating the postal savings bureau, and which has been severely censured by the public press.

I have the honor to be, sir, your obedient servant,

EDMUND JUSSEN, *Consul General.*

Hon. JAMES D. PORTER,
Assistant Secretary of State, Washington, D. C.

UNITED STATES CONSULATE,
Ghent, April 15, 1882.

SIR: I have the honor to forward herewith a report upon the subject of "Postal and school savings banks in Belgium."

The immediate cause of this report was that I have received appli-

cations for information on this subject from citizens of the United States, saying that the city of Ghent was the pioneer and had received the encomiums of, and been cited as an example by, the entire educational world, old as well as new.

This gave it an importance it did not otherwise possess, and I deemed it of sufficient importance to justify this report.

The forms may be of some use and I forward them as an appendix as printed matter.

I remain, your most obedient servant,

THOMAS WILSON, *Consul.*

Hon. J. C. BANCROFT DAVIS,
Assistant Secretary of State, Washington, D. C.

POSTAL AND SCHOOL SAVING BANKS IN BELGIUM.

That habits of thrift and saving among the peoples of a country and the moderate and evenly distributed wealth consequent thereon increase their happiness and contentment is a fact in political economy well recognized.

The density of the population of Flanders requires such habits on the part of the people or their condition would soon become insupportable, and a change, either by famine or revolution, or maybe both, would ensue. Their necessities stimulate these habits, and they in turn enable the people to live contentedly. It is an "adaptation to their environment."

The use of the franc instead of the dollar or the pound sterling as a unit of money is at once an illustration and a result of this rule.

One spends one unit of the money of this country without much thought or much care, and if it be only one it gives him little or no shock, and this whether the amount spent be one franc, one dollar, or one pound sterling.

To the average man accustomed to the franc as the unit 5 francs seem more than $1, and 25 francs more than £1. One hundred francs seem to him nearly as much as $100, and not much less than £100. It is the number rather than the size of the units which frightens men and makes them careful in their expenditure and which pleases them in their savings.

The policy of the Belgian Government has been to stimulate these habits of thrift and saving, and, looking toward the happiness and contentment of its people by their cultivation, it has sought to popularize them, to render them easy of performance, to bring them home to the people, and also engraft them into the daily habits and routine of each family and of every child in each family, so that they will become a national custom and part of the everyday life of the people.

Believing this to be a laudable object and a good example for the United States, and knowing that in some of its phases it has been agitated among our people, and that some measures looking in the same direction are now pending before Congress and likely to receive its attention, I hope a short description will not be unacceptable.

Saving banks.—In 1865 a law was passed establishing La Caisse d'Épargne (saving banks) under the control, direction, and guaranty of the State. It is a bureau of the Government belonging to the department of finance. The necessary machinery, council of administration, director-general, etc., was provided; books were printed, notices pub-

lished, blanks furnished, all free of cost or tax; rates of interest fixed, the disposition of the funds directed, etc., as was deemed proper for the working of the system.

All branches of the Banque Nationale were to act as agents and depositaries. The Banque Nationale corresponds with the Bank of France in its relation to the Government. It is the financial agent of the State, and has its branches in every important city and town in the country.

This was supplemented by another law, 1869, which organized the postal system of the country as an auxiliary to the caisse d'épargne, and subsequently the public schools were added.

The post-offices and schools belong each to its own department of the Government, but by law and the comity between the different departments the postmasters and teachers became agents of the caisse d'épargne for the transaction of its business with the public in the various parts of the country. This was also true of the Banque Nationale; yet none of these institutions have any control over, or management of, the caisse d'épargne. The organizations are separate and distinct. The Banque Nationale, as financial agent of the Government, has custody of the money, but the investment, the rate of interest, and everything relating to the management of its affairs belongs entirely to the caisse d'épargne and the department of finance, and it is not answerable to, or dependent on, the department of postal affairs nor of schools.

To illustrate this: A similar system in the United States would give the care and custody of the money and the management and control of the savings banks to the Treasury Department, while the postmasters throughout the country would be made its agents for the receipt of money from, and payment to, depositors; yet they would make their returns to the Treasury and not to the Post-Office Department, except, possibly, as statistical information.

The Banque Nationale.—The method of operations need not be given in all its details. It is similar in this regard to other savings banks in other countries.

The savings deposited are each day transmitted to the central office at the seat of government, leaving only sufficient for current daily needs. This is effected in much the same manner, with the same checks, etc., as in the case of the internal revenue collectors in the United States.

Unless directed to the contrary by the depositor, all savings are invested in the public funds, Government securities; but the depositor may direct the investment in certain other specified securities, but at his own risk and profit.

The rate of interest since 1865 has been 3 per cent per annum. In 1881 this was reduced on sums over 12,000 francs to 2 per cent.

Sums under 100 francs are on demand, but for larger sums a graduated scale of postponement is provided, and in these cases the mandate or approval of the director-general is required before payment can be made.

Between 100 and 500 francs	days	15
Between 500 and 1,000 francs	months	1
Between 1,000 and 3,000 francs	do	2
Over 3,000 francs	do	6

These postponements are not usually enforced, being provided only for crises. Ordinarily the mandate for payment is returned within three days.

The foregoing are general rules, and apply as well to the post offices as to the Banque Nationale.

Postal savings stamps.—As before stated, these are only another branch of the same system, and were organized in order to extend its ramifications throughout the country to every hamlet, and wherever there was a post-office.

The method consists in the use of a peculiar stamp, printed by the caisse d'épargne as cheaply as possible, with common type and ink, but on prepared paper, so that it can not be easily counterfeited. They are issued to the postmasters under much the same system of accountability as are internal-revenue stamps in the United States.

Their denominations are from 2 centimes (two-fifths of a cent, United States currency) to 1,000 francs ($200). The smaller, 2, 5, 10 centimes, are designed for schools, and can not be used for more than 10 francs monthly deposit.

For other deposits, stamps of 1, 2, 3, 4, 5 francs, and 10 and its multiple up to 1,000, are provided.

The depositor presents himself at the post-office, signs a declaration of his acquaintance with the law, and his willingness to abide by it and the regulations, enters his name, profession, residence, date, and place of birth in a register provided for that purpose, pays his money and receives a book bearing the current number from the central office and countersigned by the director-general. The postmaster cuts off one of his stamps furnished by the central office, pastes it in the book, fills up the date, carries out the amount in the proper column, signs the stamp, and cancels it with the office stamp, and returns the book to the depositor for safe-keeping.

For the purpose of making a clear exhibit of the workings of this system I became a depositor to the amount of 2 francs, received a book with its post-office stamp affixed, signed, sealed, and stamped. The next day I went and drew 1 franc (if I drew it all, they would require the book returned), and now inclose it to the Department as a specimen.

The stamp is not the ordinary one for postage, but is prepared for its purpose in as cheap and simple a manner as possible, thus:

GAN
Apr. 13,
1882.

DEUX FRANCS,

Deposited 13th April, 1882.

(Signed) LALOR (*clerk*).

School savings.—The concurrence of the minister of finance and of public instruction is first required in the preparation and issuance of the necessary regulations and instructions to the teachers.

This being understood, I describe the operations in the schools:

Printed instructions, together with all necessary blanks, forms, etc., are given to each teacher, and they are directed to use their best effort by both precept and example, to induce the scholars to enjoy the benefits of the system.

Each pupil (depositor) is furnished with a book appropriately ruled to give the name, age, residence, etc., of the pupil and parent, and of the date and amount deposited. Upon a given day, usually the opening exercises for Monday, the scholars are called for deposits, when each in turn presents his sum, which is entered by the teacher in his book.

The teacher has a corresponding book or register, ruled in consolidated form, in which the deposit of each pupil is entered. This register is arranged to last the scholastic year.

When the deposit (versement) of the pupil reaches the sum of one franc or more even francs, a list is made by the teacher of each deposit in even francs (the odd centimes being reserved for the next deposit), and it and the money carried to the banque, entered in the name of the pupil, and sent to Brussels each day as before stated.

To draw out any sum (remboursement) a request or check must be signed by the pupil and parent, attested by the teacher, and if over 100 francs, approved by the director-general, when the payment will be made to the parent or pupil with or without the intervention of the teacher.

The schools may use the post-office and its system of stamps if desired instead of the Banque, and to enable this to be done without inconvenience to the teachers they are authorized to receive on credit 20 francs' worth of stamps from the nearest postmaster, who is directed to give them that amount, and with whom alone they are authorized to transact business.

Financial operations of the Caisse d'Épargne.—It has been in operation since 1865, through the agency of the Bank Nationale; through the post-office, since 1869.

Quinquennial reports have been made for the purpose of fixing the rate of interest, the amount of reserve, and carrying the balance of the five years' profit to the credit of the depositor, giving to each his appropriate share. These reports make the following showing:

Date.	Number of books outstanding.	Amount represented.	
		Francs.	United States currency.
December 31—			
1870	51,542	10,415,000	$2,083,000
1875	104,754	35,748,000	7,149,600
1880	197,956	109,700,370	21,940,074

The last amount should be increased by 25,000,000 francs, $5,000,000, deposited by certain governmental corporations but kept in separate accounts for reasons known to the bookkeepers.

Profits.—The gross profits arising during this time from the investment of the funds on deposit has been 29,659,116 francs, $5,931,823, of which there has been distributed to the depositors 22,609,804 francs, $4,521,961.

During the past five years, 1875–1880, the reserve (after paying the regular 3 per cent interest) had increased to 3,774,739 francs, $754,948, when it was determined to fix it at 1,560,000 francs, $312,000, and to distribute the balance to the depositors—1,755,894 francs, $351,179.

Expenses.—From 1865 to 1877 a tax of one-half of 1 per cent per annum on all deposits was levied for the creation of a fund out of which to pay expenses. From 1877 till the present time three-eighths of 1 per cent has been levied.

	Francs.	
The sum thus produced has been	3,274,572	=$654,914
On hand December 31, 1880	639,664	= 127,933
Leaving	2,634,907	= 526,981

as the actual expense of the entire venture during its fifteen years' existence.

OPERATIONS OF THE YEAR 1880.

Number of books outstanding and the amount due thereon December 31, 1880.

	Books.	Francs.	United States equivalent.
Banque Nationale	71,298	53,696,898	$10,739,379
Central office, Brussels	65,177	41,224,404	8,244,881
Post-office	54,464	30,176,984	6,035,397
Total		125,098,286	25,019,657

Deposits (versements).

	Francs.	
Banque Nationale, provinces	28,309,554	=$5,661,911
Central office, Brussels	23,904,644	= 4,780,929
Post-offices	15,325,859	= 3,065,177
	67,540,058	=13,508,011

Payments (remboursements).

	Francs.	
Banque Nationale	21,604,423	=$4,320,885
Central office	22,537,253	= 4,507,450
Post-offices	9,797,571	= 1,959,514
	53,939,247	=10,787,849
Increase during the year	13,600,809	= 2,720,162
	67,540,056	=13,508,011

The average amount of business done by each depositor is shown by the following table, 1880:

	Number deposits during year 1880.	Percentage of whole.	Number having that balance due Dec. 31, 1880.	Percentage of whole.
From 1 to 20 francs	231,387	74.7	75,518	39.5
From 20 to 100 francs	41,009	13.2	34,434	18
From 100 to 500 francs	22,468	7.3	46,721	24.5
From 500 to 1,000 francs	7,019	2.3	11,571	6.1
From 1,000 to 3,000 francs	4,761	1.5	15,211	8
3,000 francs and over	3,230	1	7,484	3.9

The average deposit was 218.75 francs ($43.75), while the average balance at the end of the year was 655.17 francs ($131.03).

The deposits made by the schools are, as a matter of course, included in the foregoing aggregate. There has been no such segregation in the reports made by the caisse d'épargne, and I have no reports furnished by the schools themselves, except for the city of Ghent. Ghent was the pioneer city in the introduction of this system into the schools, as she has been in many other schemes, charitable, scientific, and commercial, and she gives the honor and credit of its introduction to two of her distinguished and patriotic citizens, Messrs. Laurent and Callier.

The report from the schools of Ghent shows the following to be the situation so far as pertains to the savings branch during the half year between June 30 and December 31, 1881:

Number of books in existence December 31, 1881, showing balances as between certain sums.

Schools.	No.	From 1 to 20 francs.	50 to 100 francs.	100 to 200 francs.	200 to 500 ancs.	500 to 1,000 francs.	1,000 francs up.
Boys	3,104	2,854	164	53	29	3	*a* 1
Girls	2,528	2,350	129	31	15	3	.....
Kindergartens	1,107	1,064	30	10	3	.....	.....
Night:							
Boys and men	738	625	55	32	19	7	.....
Girls and women	989	890	60	19	14	4	*b* 2
Pay, private	835	636	115	58	23	2	*c* 1
Total	9,301	8,149	553	203	103	19	4

a 1,039 francs. *b* 1 of 1,228, 1 of 2,914 francs. *c* 1,116 francs.

There is food for reflection in some comparison of some items of the foregoing report. As the race is not to the swift nor the battle to the strong, so the greatest savings are not always made by those who receive the most money.

Out of 4,294 boys, 3,104 had books, or 72 per cent.

Out of 3,715 girls, 2,528 had books, or 70 per cent.

Out of 1,800 boys and men, 738 had books, or 41 per cent night scholars.

Out of 1,816 girls and women, 989 had books, or 50.4 per cent night scholars.

Out of 1,970 pay scholars, 835 had books, or 42 per cent.

Of those presumably the best able to make savings the percentage is the lowest.

Three thousand one hundred and four boys saved 95,234.30 francs, or 30.65 average; 2,528 girls saved 97,751.24 francs, or 38.60 average. In favor of the girls, 2,516.94.

One thousand eight hundred men and boys saved 37,335.93 francs, or 20.77 average; 1,816 girls and women saved 61,210.91 francs, or 33.74 average. In favor of the women, 23,824.98.

Out of 1,800 men and boys (night scholars), but 738 had books—41 per cent—and of these the average balance amounted to but 50.65 francs, while out of 1,816 women and girls, 989, or 50.4 per cent, had books, and their average balance was 62 francs.

Comparing together these men and women and girls and boys, we find the number making savings and the average amount saved to be greater with the girls and boys than with the men and women.

Comparing the girls with the boys and the women with the men, we find the number making savings and the average amount saved to be greater with girls and women than with boys and men.

Comparing the pupils (girls and boys) of the free schools with those of the pay (or private) schools, we find the number making savings to be greater with the free schools.

Names of exhibits or appendixes sent in separate envelope, not as part of the dispatch, but because requiring them for its preparation; and having no further use for them—possibly some person may wish to look at them—maybe some Congressmen interested in postal savings banks—and so I have concluded to send them separately and as printed matter.

Appendix A.—Copies of the laws and such regulations as I could get.

Appendix B.—Forms used by the Banque Nationale.

Appendix C.—Forms used by the schools for deposits in the Banque Nationale.

Appendix D.—Ditto for the post-office.

Appendix E.—Report of Caisse d'épargne for last year, 1880.

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O

NATURE AND PRACTICAL WORKINGS OF POSTAL TELEGRAPHS, TELEPHONES, AND POSTAL SAVINGS BANKS OF FOREIGN COUNTRIES.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

IN FURTHER RESPONSE TO THE RESOLUTION OF THE SENATE OF JULY 12, 1897, A REPORT FROM THE SECRETARY OF STATE, WITH ACCOMPANYING PAPERS, RELATING TO POSTAL TELEGRAPHS, TELEPHONES, AND POSTAL SAVINGS BANKS IN THE COLONY OF VICTORIA, AUSTRALIA.

APRIL 15, 1898.—Read, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

To the Senate:

In connection with Senate Document No. 39, Fifty-fifth Congress, second session, and in further response to the resolution of the Senate of July 12, 1897, I transmit herewith a report from the Secretary of State, with accompanying papers, relating to postal telegraphs, telephones, and postal savings banks in the Colony of Victoria.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, April 15, 1898.

THE PRESIDENT:

Supplementing the reports which have heretofore been transmitted to the Senate in response to the resolution of that body of July 12, 1897, the undersigned Secretary of State has the honor to lay before the President, with a view to a like disposition, copy of a dispatch from the consul-general of the United States at Melbourne, with its accompaniments, touching the nature and practical workings of the postal telegraphs, telephones, and postal savings banks of the colony of Victoria.

Respectfully submitted.

JOHN SHERMAN.

DEPARTMENT OF STATE,
Washington, April 13, 1898.

COLONY OF VICTORIA—AUSTRALIA.

CONSULATE-GENERAL OF THE UNITED STATES,
Melbourne, Australia, February 15, 1898.

SIR: I have the honor to inclose herewith information regarding the telegraphs, telephones, and postal savings banks of this colony (Victoria), which my predecessor was instructed to obtain by the Department under date of July 17, 1897.

On my arrival here the matter was at once referred to the postmaster-general of the colony, and it was only some few days ago that the requisite information was received from that gentleman.

The acts, reports, etc., mentioned in the replies to the questions asked by the Department are being forwarded to the Department by separate post.

I am, etc., JOHN P. BRAY,
Consul-General.

Hon. WILLIAM R. DAY,
Assistant Secretary of State, Washington, D. C.

THE TELEGRAPHS, TELEPHONES, AND POSTAL SAVINGS BANKS OF VICTORIA.

Q. 1. Copies of all existing laws as to postal telegraphs, telephones, and postal savings banks.

A. Copies of the post-office act and regulations, post-office savings banks regulations, postal guide, and the annual report of the post and telegraph department are forwarded.

The act of July 10, 1890, "to consolidate the law relating to the post-office," provides:

SEC. 27. Telegraphic messages upon which all fees payable in Victoria have been paid may be transmitted by post as letters for delivery in Victoria or in any of the Australian colonies or New Zealand without any payment for postage; and letters addressed to any postmaster or telegraph manager in Victoria containing telegraph messages for transmission, with no writing other than the necessary directions for transmission, bearing the words "Telegraph message only" on the outside or cover of the letter, above the address, may be transmitted free of postage, subject to any regulations which the governor in council is hereby empowered from time to time to make as to the transmission of such messages and letters.

SEC. 49. All telegrams, letters, packets, and newspapers sent by post and addressed to any person at any inn, hotel, or premises licensed under the *licensing act* 1890, or at any house at which lodgers are received, and received by the occupier or manager of such inn, hotel, or licensed premises or house at any time after the commencement of this act, shall be deemed to be under the control of the postmaster-general until delivered to the person to whom the same are addressed; and if the same are not so delivered within two months after the receipt of the same by such occupier or manager, and if instructions to the contrary are not received from the person to whom the same are addressed, they shall be returned to the nearest post-office, and thence transmitted to the general post-office.

All such telegrams, letters, packets, newspapers, transmitted to the general post-office under the provisions of this section shall be there dealt with as undelivered telegrams, letters, packets, and newspapers.

Every such occupier and manager willfully omitting or failing to return any such telegram, letter, or newspaper as aforesaid shall, on conviction thereof before two justices, forfeit and pay any sum not exceeding forty shillings.

POST-OFFICE DEPOSIT FOR SAVINGS.

SEC. 69. The postmaster-general may authorize and direct any postmaster or other officer of the post-office as he thinks fit to receive deposits for remittance to the

general post-office, and to repay the same, under such regulations as the governor in council may prescribe in that respect.

SEC. 70. Deposits may be received under this part of this act from any minor or from a parent or other relative of a minor in the name and on behalf of such minor; and such deposits shall be repaid on the application in writing of such parent or other relative, or of the minor himself in case he has made the deposit, and the receipt of any such minor, attested by one witness, shall be a sufficient discharge notwithstanding the infancy of such minor.

SEC. 71. Deposits made by a married woman without notice to the postmaster-general of her marriage may be repaid to her unless the husband of such woman, in any case where no order has been made by a court, judge, magistrate, or justices, protecting the earnings and property of the wife, give to the postmaster-general notice in writing of such marriage, and require payment to be made to him; in which case the postmaster-general may, in his discretion, pay the same or any portion thereof, together with any interest due in respect of the same, to such husband or to such woman, as to him seems proper.

SEC. 72. When the trustees of any bank, commonly known as a Penny Savings Bank, determine to close such bank for the receipt of deposits, and give public notice of such intention by advertisement in a newspaper circulating in the district in which such bank is situated, such trustees may, if they think fit, transmit, under the hands of a majority of their number, to the postmaster-general a certified list of such depositors as have not applied to them to receive their deposits, and of the amounts due to them, respectively; and the postmaster-general may thereupon receive as a deposit under this part of this act the moneys remaining in the hands of the trustees, if the same be sufficient to discharge the whole of the liabilities of such trustees to the depositors set forth in such list. The certificate of the postmaster-general shall be a sufficient discharge to the said trustees in respect of all such moneys so paid over; and all such moneys shall be received and held subject to the rights and claims of the depositors named in such list, who shall thenceforth be considered to be depositors under the provisions of this part of this act, and shall be entitled, subject to the provisions and in the form prescribed under the authority of this part, on presenting their deposit books to any postmaster or other officer of the post-office authorized as aforesaid to claim payment of the sums shown by such list to be due to them, respectively, with the interest due to them thereon.

SEC. 73. Every deposit received by any postmaster or other officer appointed for that purpose shall be entered by him at the time in a depositors' book, and the entry shall be attested by him and by the dated stamp of his office; and the amount of such deposit shall, upon the day of such receipt, be reported by such postmaster or officer to the postmaster-general, and the acknowledgment of the postmaster-general, signified by the officer whom he appoints for the purpose, shall be forthwith transmitted to the depositor, and the said acknowledgment shall be conclusive evidence of his claim to the repayment thereof with the interest thereon upon demand made by him on the postmaster-general. In order to allow a reasonable time for the receipt of the said acknowledgment, the entry by such postmaster or other officer in the depositors' book shall also be conclusive evidence of title for ten days from the lodgment of the deposit; and if the said acknowledgment have not been received by the depositor through the post within ten days, and he either before or immediately upon the expiry thereof demand the said acknowledgment from the postmaster-general, then the entry in such book shall be conclusive evidence of title during another term of ten days and *toties quoties*. Provided that such deposits shall not be of less amount than one shilling, nor of any sum not a multiple of one shilling.

SEC. 74. On demand of the depositor or person legally authorized to claim on account of a depositor, made in such form as is prescribed in that behalf, for repayment of any deposit or any part thereof, the authority of the postmaster-general for such repayment shall be transmitted to the depositor forthwith; and the depositor shall be absolutely entitled to repayment of any sum or sums that are due to him within ten days at farthest after his demand is made at any post-office where deposits are received and paid.

SEC. 75. Postmasters and other officers of the post-office engaged in the receipt or payment of deposits shall not disclose the name of any depositor nor the amount deposited or withdrawn except to the postmaster-general or to such officers or persons as are appointed to assist in carrying this part of this act into operation.

SEC. 76. All moneys so deposited with the postmaster-general shall forthwith be paid over to the treasurer of Victoria and shall be placed to the credit of the trust fund, or shall be invested in any public or Government debentures heretofore issued or which may hereafter be issued under the authority of any law heretofore or hereafter in force, and such moneys shall be a charge upon the consolidated revenue; and all sums withdrawn by depositors or by persons legally authorized to claim on

account of depositors shall be repaid to them out of the said trust fund or out of the proceeds of such debentures through the office of the postmaster-general.

SEC. 77. The interest payable to the persons making such deposits shall be at a rate not exceeding four pounds per centum per annum; but such interest shall not be calculated on any amount less than one pound or some multiple thereof, and shall not commence until the first day of the month next following the day of deposit, and shall cease on the first day of the month in which such deposit is withdrawn.

SEC 78. Interest on deposits shall be calculated to the thirty-first day of December in every year, and shall be added to and form part of the principal money.

SEC. 79. The governor in council may, from time to time, make, alter, and repeal regulations for superintending, inspecting, and regulating the mode of keeping and examining the accounts of depositors, and with respect to the making of deposits and to the withdrawal, control, and investment of deposits and interest, and all other matters whatsoever incidental to the carrying this part of this act into execution; and all regulations so made shall be binding on all the persons interested in the subject-matter thereof to the same extent as if such regulations formed a portion of this act. Copies of all regulations made under the authority of this part of this act shall be laid before both houses of Parliament within fourteen days from the date thereof if Parliament shall be then sitting; and if Parliament be not then sitting, within fourteen days after the next meeting thereof.

SEC. 80. When any depositor dies leaving any sum of money not exceeding one hundred pounds (exclusive of interest) deposited in the post-office savings bank, and probate of his will or letters of administration be not produced to the postmaster-general, or if notice in writing of the existence of a will and intention to prove the same or to take out letters of administration be not given to the postmaster-general at his principal office within the period of one month from the death of the depositor, or if such notice be given but such will be not proved or letters of administration be not taken out, and the probate or letters of administration (as the case may be) produced to the postmaster-general within the period of two months from the death of the depositor, the postmaster-general may, after such period of one or two months (as the case may be), pay and divide such funds at his discretion to or amongst the widow or relatives of the deceased depositor or any one or more of them, or, if he think proper, in payment of deathbed or funeral expenses, in accordance with the provisions of the "statute of distributions."

SEC. 81. When any depositor dies leaving any sum of money in the post-office savings bank which (exclusive of interest) exceeds the sum of one hundred pounds, the same shall only be paid to the executor or administrator on the production of the probate of will or letters of administration of the estate or effects of the deceased depositor to the postmaster-general; but should the husband of any depositor prove to the satisfaction of the postmaster-general that such money is the joint savings of himself and the depositor, and that it was deposited in the name of the wife with his knowledge and consent, the postmaster-general may order payment of such money in the same manner as if it did not exceed the sum of one hundred pounds.

SEC. 82. If any depositor being illegitimate dies intestate leaving any person who but for the illegitimacy of such depositor and of such person would be entitled to the money due to such deceased depositor, the postmaster-general may, with the authority in writing of the attorney-general, pay the money of such deceased depositor to any one or more of the persons who in his opinion would have been entitled to the same in accordance with the provisions of the "statute of distributions" if the said depositor and such person or persons had been legitimate.

SEC. 83. If any depositor becomes insane or otherwise incapacitated to act and the same is proved to the satisfaction of the postmaster-general, and if the postmaster-general is satisfied of the urgency of the case, he may authorize payment from time to time out of the funds of such depositor to any person whom he judges proper, and the receipt of such person shall be a good discharge for the same.

SEC. 84. If any dispute arise between the postmaster-general and any individual depositor, or any person claiming to be entitled to any money deposited in the post-office savings bank, the matter in dispute shall be referred in writing to the attorney-general, and whatever award, order, or determination is made by the said attorney-general shall be final to all intents and purposes without any appeal.

SEC. 85. The postmaster-general may direct that no deposit shall be received from any person whom he deems it inexpedient to admit or continue as a depositor, and that any deposits made by him shall be returned to him.

SEC. 86. An annual account of all deposits received and paid under the authority of this part of this act and of the expenses incurred during the year ended the thirty-first day of December, together with a statement of the total amount due at the close of the year to all depositors, and the general report upon the affairs of the post-office in the several departments thereof mentioned or referred to it in this act,

). The postmaster-general or any person from time to time authorized in
alf by the governor in council may enter into any contract for the con-
and maintenance of lines of communication of electric telegraph.
). Every line of communication by electric telegraph constructed or to be
ted in Victoria shall be subject to the several provisions of this part of this
he several rules and regulations hereinafter mentioned.
). Out of the consolidated revenue there shall be annually issued and applied
or sums not exceeding in the whole twenty thousand pounds towards the
nce of a line of telegraphic communication between Port Darwin and

. The governor in council may from time to time make and alter and repeal
ns prescribing the terms and conditions on which agreements may be made
stmaster-general with any person for the construction and maintenance of
telegraphic communication for the exclusive use of such person or for grant-
xclusive use of any existing line to any person, and prescribing the scale and
d manner of payment in advance or otherwise of the rents and charges to be
such person as the consideration for such agreement.
. The postmaster-general may enter into agreements with any persons, in
ce with the said regulations, and if any such person fails to pay the rent
s according to the terms of his agreement, or commits a breach of any of
itions of his agreement, the postmaster-general may, by notice to such per-
ind such agreement and resume possession of the line in respect of which
sement was made and prevent the further use thereof by such person; and
son shall not be entitled to any compensation for loss arising through the
by the postmaster-general of the powers hereby conferred.
. The governor in council from time to time may appoint a proper person,
l be called the general superintendent of electric telegraphs, to superintend
truction, establishment, management, maintenance, and protection of lines
aphic communication, and such other officers, clerks, and servants as may
ary.
. Any person acting under the authority of the postmaster-general for any
rposes aforesaid may enter into and upon any lands in Victoria, and may
nd take levels of the same, or any part thereof, and also may dig, cut,
and carry away any stone, soil, sand, gravel, and indigenous trees or timber
or necessary for the construction, formation, or maintenance of any such
mmunication, or any part thereof, or any other works belonging or in any
ertaining to any such line.
. Any such person may erect, set up, and maintain all masts or posts for the
ng of any cord or wire of any such line in and upon any of the lands of the
ny shore of the sea, and any road, and may make all needful and necessary
ons in the same for erecting or placing such masts or posts and also for lay-
subterranean lines of communication.
. Every cord or wire of any such line, if above the surface, crossing any
ll be placed at least eighteen feet from the ground; and the free use and
t of any road and the navigation of any inlet, bay, river, creek, or lake
ng, across, or underneath which any such cord or wire or line of communi-

peace; and if such declaration or any part thereof shall not be true, the depositor making the same shall forfeit and lose all right and title to his deposits:

Copy of declaration to be signed by depositor on making first deposit.

DEPOSITOR'S BOOK.

Place .....

No .....

In conformity with the regulations of the governor in council, made under the authority of the post-office act, 1890, I, ——— ———, of ———, do hereby declare that I am desirous, on my own behalf, to become a depositor in the post-office savings bank. I do further hereby declare that I am not directly or indirectly entitled to any deposit in or benefit from the funds of this or any other savings bank in the Colony of Victoria, or to any sum or sums standing in the name or names of any other person or persons in the books of the said post-office savings bank, and I do hereby also testify my consent that my deposits in the said post-office savings bank shall be managed according to the regulations thereof.

Witness my hand, this —— day of ———, 189—.

.....

Signed by the said depositor in the presence of me,

.....

..... }
..... }

.....

Save and except such benefit as I may be entitled to from being a member of a friendly society legally established, or from such sum or sums as may be standing as trustee jointly with the name or names and on behalf of any other depositor or depositors.

A copy of the above declaration shall be printed within the cover of every depositor's book.

4. On making the declaration, and in all cases in which the signature of the depositor is required, if the depositor can not write, his mark must be affixed in the presence of a witness, and attested by the signature of that witness.

5. Every deposit received by any officer of the postmaster-general appointed for that purpose shall be entered by him at the time in a numbered book, and the entry shall be attested by him and by the dated stamp of his office, and the said book, with the entry so attested, shall be given to the depositor, and retained by him as a primary evidence of the receipt of the deposit. The depositor shall sign his name in a place to be provided for his signature in the depositor's book. The amount of each deposit, and the name, occupation, and residence of the depositor, shall, upon the day of the receipt thereof, be reported to the postmaster-general, and the acknowledgment of the postmaster-general for the said deposit, signified in the following form by the officer whom he shall appoint for the purpose, shall be forthwith transmitted by post to the depositor as the conclusive evidence of his claim to the repayment of the deposit with interest thereon:

DEPOSITOR'S BOOK.

Place .....

No .....

*

SAVINGS BANK DEPARTMENT,
General Post-Office, Melbourne.

The postmaster of ——— having reported to the postmaster-general the receipt by him of your deposit of £———, that amount has been placed to the credit of your account in the books of this department.

Examined.

.....,
Controller.

To .....
.....
.....

* The following notice is printed on the face of the above form of acknowledgment: "NOTICE.—This acknowledgment is of no value to any person but the depositor to whom it is addressed."

If the depositor does not receive the said acknowledgment within ten days from the day on which he made the deposit he must apply for the same to the postmaster-general by letter, and, if necessary, he must renew his application to the postmaster-general until he receives the said acknowledgment.

SEC. 139. Any person duly authorized in that behalf by the postmaster-general may enter into any post office and take possession of all property, moneys, money orders, letters, goods, chattels, or effects therein belonging or appertaining to the postal department of Victoria, and may, for such purpose, remain for any reasonable time in such post-office, or in or upon the premises where such post-office is situated; and whoever wilfully obstructs, hinders, or delays such person so entering, taking possession, and remaining, as aforesaid, shall be liable to a penalty not exceeding twenty pounds.

SEC. 140. If any person wilfully sends or delivers, or causes to be sent or delivered, to any public officer, operator, clerk, or servant, for the purpose of being transmitted as a telegraphic message, any message or writing which purports to be signed or sent by any other person, the same being so signed or sent without such person's authority, or wrongfully signs any telegraphic message with the name of any other person without such person's authority, or with the name of some fictitious person, or wilfully and without the authority of the sender alter any such message or writing, he shall, on conviction thereof, be liable to a penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding one year, or both.

In the printed "Regulations for the conduct and guidance of postmasters," these paragraphs occur:

32. Letters containing messages written in ink for transmission by telegraph for any place within Victoria, posted at any post-office not a telegraph office, with the words "Telegraph message only" written or printed thereon above the address, and directed to the nearest telegraph office, must be forwarded free of postage upon payment of the usual telegraph fees. Particulars of which and the conditions under which such messages may be sent will be found in the Postal and Telegraph Guide.

33. Telegraph forms and envelopes to be used for transmitting messages, as directed in the preceding regulation, will be supplied to postmasters upon requisition for issue to the public; and in the event of stamps being affixed to the outside of the telegraph envelopes when posted postmasters are required to be careful not to obliterate them, but to forward them with the stamps undefaced.

Unclaimed telegrams, letters, packets, and newspapers addressed to any person at an hotel or premises licensed under the licensing act 1890, or any act amending it, must, under section 49 of the post-office act, be returned to the local post-office by the occupier of the hotel, etc., at the expiration of two months, and when any telegrams, letters, etc., are so returned they must be at once sent to the Dead-Letter Office.

POST-OFFICE SAVINGS BANKS.

GENERAL REGULATIONS.

[Made by the governor in council under the "Post-office act, 1890," in lieu of all former regulations on the same subject, which are hereby cancelled.]

1. Every money-order office at which the postmaster-general shall permit deposits to be received for remittance to his principal office will be open for that purpose, and for the repayment of moneys withdrawn, during the hours appointed for the transaction of money-order business at the said offices, and for receipt of deposits on Saturdays, in addition, from 6 until 8 o'clock p. m., or earlier or later, as the postmaster-general may from time to time direct. The chief office, Melbourne, is, however, open on Saturdays from 7 p. m. until 9 p. m.

2. Deposits of one shilling, or of any number of shillings, or of pounds and shillings, will be received from any depositor at the post-office savings banks, provided the deposits made by such depositor do not exceed one hundred pounds within any period of fourteen days without special permission in writing having first been obtained by such depositor from the postmaster-general; but no interest will be allowed on any sum in excess of two hundred and fifty pounds.

All deposits must be made in cash, or in notes issued by Victorian banks, or in coupons on Victorian Government debentures, or in stamps, as provided by the 24th clause.

3. Every depositor on making a first deposit shall be required to specify his christian name and surname, occupation and residence, to the officer of the postmaster-general appointed to receive the deposit, and make and sign the following declaration, to be witnessed by the officer of the postmaster-general appointed to receive deposits or by some person known to him, or by a clergyman or a justice of the

peace; and if such declaration or any part thereof shall not be true, the depositor making the same shall forfeit and lose all right and title to his deposits:

Copy of declaration to be signed by depositor on making first deposit.

DEPOSITOR'S BOOK.

Place .....

No .....

In conformity with the regulations of the governor in council, made under the authority of the post-office act, 1890, I, ——— ———, of ———, do hereby declare that I am desirous, on my own behalf, to become a depositor in the post-office savings bank. I do further hereby declare that I am not directly or indirectly entitled to any deposit in or benefit from the funds of this or any other savings bank in the Colony of Victoria, or to any sum or sums standing in the name or names of any other person or persons in the books of the said post-office savings bank, and I do hereby also testify my consent that my deposits in the said post-office savings bank shall be managed according to the regulations thereof.

Witness my hand, this —— day of ———, 189—.

.....

Signed by the said depositor in the presence of me,

.....

..... }
..... }

.....

Save and except such benefit as I may be entitled to from being a member of a friendly society legally established, or from such sum or sums as may be standing as trustee jointly with the name or names and on behalf of any other depositor or depositors.

A copy of the above declaration shall be printed within the cover of every depositor's book.

4. On making the declaration, and in all cases in which the signature of the depositor is required, if the depositor can not write, his mark must be affixed in the presence of a witness, and attested by the signature of that witness.

5. Every deposit received by any officer of the postmaster-general appointed for that purpose shall be entered by him at the time in a numbered book, and the entry shall be attested by him and by the dated stamp of his office, and the said book, with the entry so attested, shall be given to the depositor, and retained by him as a primary evidence of the receipt of the deposit. The depositor shall sign his name in a place to be provided for his signature in the depositor's book. The amount of each deposit, and the name, occupation, and residence of the depositor, shall, upon the day of the receipt thereof, be reported to the postmaster-general, and the acknowledgment of the postmaster-general for the said deposit, signified in the following form by the officer whom he shall appoint for the purpose, shall be forthwith transmitted by post to the depositor as the conclusive evidence of his claim to the repayment of the deposit with interest thereon:

DEPOSITOR'S BOOK.

Place .....

No .....

*

SAVINGS BANK DEPARTMENT,
General Post-Office, Melbourne.

The postmaster of ——— having reported to the postmaster-general the receipt by him of your deposit of £———, that amount has been placed to the credit of your account in the books of this department.

Examined.

.....
Controller.

To .....
.....
.....

* The following notice is printed on the face of the above form of acknowledgment: "NOTICE.—This acknowledgment is of no value to any person but the depositor to whom it is addressed."

If the depositor does not receive the said acknowledgment within ten days from the day on which he made the deposit he must apply for the same to the postmaster-general by letter, and, if necessary, he must renew his application to the postmaster-general until he receives the said acknowledgment.

6. Interest calculated yearly at the rate of four pounds per cent per annum shall be allowed on every complete sum of one pound, or some multiple thereof (not exceeding two hundred and fifty pounds), deposited, and shall be computed from the 1st day of the calendar month next following the day on which the sum of one pound shall have been deposited, or on which deposits of a less amount shall have made up the sum of one pound, up to the first day of the calendar month in which the moneys are withdrawn.

The interest will be calculated to the 31st December in every year, and will then be added to and become part of the principal money.

7. Deposits may be made by a trustee on behalf of another person, in the joint names of such trustee and the person on whose account such money shall be so deposited; but repayment of the same, or any part thereof, shall not be made without the receipt and receipts of both the said parties, or the survivor or survivors, or the executors or administrators of such survivor, whose receipt and receipts, either personally or by agent appointed by power of attorney, which power of attorney may be executed by an infant of or exceeding the age of fourteen years, shall alone be a valid discharge, except in case of insanity or imbecility of the party on whose behalf the deposits were made, when the postmaster-general may, on proof of the fact to his satisfaction, allow repayment to be made to the trustee alone.

The following declaration must be made in such cases:

Form of declaration to be signed by the trustee of a depositor.

DEPOSITOR'S BOOK.

Place.....

No.....

In conformity with the regulations of the governor in council, made under the authority of the post-office act, 1890, I ——— ———, of ———, do hereby declare to the postmaster general that I am desirous of becoming a depositor in the post-office savings bank as the trustee of ———, of ———, and I do further declare, on behalf of myself, and also on behalf of the said ———, that we are not, either jointly or severally, directly or indirectly, entitled to any deposit or benefit from the funds of this or any other savings bank in the colony of Victoria, nor to any sum or sums standing in the name or names of any person or persons in the books of the savings banks above mentioned.

Witness my hand this —— day of ———, 189—.

.....

Signed by the trustee in the presence of me,

.....}

.....}

Save and except such benefit as I or he may be entitled to from being a member of a friendly society legally established, or from such sum or sums as may be standing in my name as a depositor on my own account, or as trustee jointly with the name or names and on the behalf of any other depositor or depositors.

And in case any such declaration shall not be true, or if any person shall at any time have or hold to be possessed of any deposit or funds in more than one savings bank within the colony of Victoria, every such person shall forfeit and lose all right and title to any deposit in or to any funds of every such savings bank.

8. Deposits may be made by any person under twenty-one years of age, or by a parent or other relative of a person under twenty-one years of age, in the name and on behalf of such person; and repayment shall be made to such minor in the same manner as if he were of full age, in case he shall have made the deposit, or to the parent or other relative who shall have made the deposit, on the application in writing of such parent or relative.

9. Deposits may be made by married women; and deposits so made, or made by women who shall afterwards marry, will be repaid to any such woman, unless the husband (in any case where no order has been made by a court, judge, magistrate, or justice, protecting the earnings and property of the wife) shall give notice in writing of such marriage to the postmaster-general, and shall require payment to be made to him; in which case the postmaster-general may, at his discretion, subject to the provisions of the married women's property act, pay the same or any portion thereof, together with any interest due in respect to the same, to such husband or to such woman, as to him shall seem proper: *Provided*, That, in case of any order made as aforesaid, the woman making deposit shall give notice of such order for the protection of her property, and shall produce the original order or certified copy thereof.

10. The trustees of any friendly society, the rules of which have been certified by the registrar of friendly societies in the Colony of Victoria, or of any charitable or

provident society, may deposit their funds, without restriction as to amount, in the Post-Office Savings Bank: *Provided always*, That such deposits shall not be of less amount than one shilling, nor of any sum not a multiple thereof, and that a copy of the rules be forwarded by post to the postmaster-general, with the names and addresses of the trustees, who will then be furnished with the necessary instructions.

The following declaration must be made in cases of friendly societies:

Declaration.

DEPOSITOR'S BOOK.

Place .....
No.....

I, being the (trustee, treasurer, steward, or clerk) of the friendly society called the ——, held at ——, and duly (enrolled, registered, or certified, as the case may be), do hereby declare that I am desirous, on behalf of the trustees of the said society, of depositing in the Post-Office Savings Bank the sum of £——, and I further declare that the sum above stated is the exclusive property of the said society specified in this declaration, and arises from the contributions of the members of the said society (and from donations, if donations have been received) and that the said friendly society has no fund deposited in any other savings bank.

Witness my hand, this —— day of ——, 189—.

..... { Trustee, Treasurer, Steward, or Clerk } of the said society.

Signed in the presence of me,

.....

NOTE.—In case of false declaration, the sum paid on such declaration will be forfeited.

The following declaration must be made in cases of charitable institutions:

Declaration.

DEPOSITOR'S BOOK.

Place .....
No.....

I, —— ——, being the (trustee or treasurer) of the charitable society, or provident institution or society, or charitable donation or bequest for the maintenance, education, or benefit of the poor (as the case may be), held at ——, in the county of ——, do hereby declare that I am desirous of depositing the sum of £ —— in the Post-Office Savings Bank, on behalf of the said society; and that the society has no fund deposited in any other savings bank.

Witness my hand this —— day of ——, 189—.

..... { Treasurer or Trustee } of the society.

Signed in the presence of me,

.....

NOTE.—In case of false declaration, the sum paid on such declaration will be forfeited.

11. When the trustees of any penny savings bank shall have determined to close such bank for the receipt of deposits, and shall have given public notice of such intention by advertisement, to be inserted at least six times in a newspaper circulating in the district in which such bank is situated, such trustees may, after the expiration of thirty days from the date of the first publication of such advertisement, transmit under the hands of a majority of their number to the postmaster-general a certified list in duplicate of such depositors as shall not have applied to them to receive their deposits, showing the number of their deposit books, and the amounts due to them, respectively, together with a declaration made before a justice of the peace in the form hereinafter annexed, such declaration to be accompanied by copies of the newspapers in which such notice as aforesaid has been inserted; and the postmaster-general may thereupon receive as a deposit the money remaining in the hands of the trustees, if the same shall be sufficient to discharge the whole of the liabilities of such trustees to the depositors set forth in the said list.

The certificate of the postmaster-general shall be a sufficient discharge to the said trustees in respect of all such moneys so paid over, and all such moneys shall be received and held subject to the rights and claims of the depositors named in such list.

Form of order to be signed by a depositor who can not attend personally to receive payment.

DEPOSITOR'S BOOK.

Place.....
No.....

—— No. of Warrant.
—— Date of ditto.

To the postmaster of——

I, the undersigned, do hereby authorize and direct —— ——, the bearer of this order, to receive on my account the sum of —— due to me under the above-described warrant of the Post-Office Savings Bank, for which sum the receipt of the above-named person shall be a good and sufficient discharge.

As witness my hand, this —— day of ——, 189—.

—— Signature } of
—— Address } witness.
—— Occupation }

—— Signature } of
—— Address } depositor.
—— Occupation }

19. Applications to withdraw money deposited by any friendly, charitable, or provident society, must be signed by two of the trustees of any such society, or, when there is no trustee, then by the treasurer; and the names of the trustee or treasurer, or other officer of the society authorized to receive the amount to be withdrawn, shall be stated in the notice of withdrawal, and the warrant for payment of the amount shall be made out in the name of such trustee, treasurer, or officer, and the receipt of such person apparently authorized shall be a sufficient discharge for the same.

20. In case any depositor shall die leaving any sum of money not exceeding £100 ($500), exclusive of interest, deposited in the post-office savings bank, and probate of his will or letters of administration be not produced to the postmaster-general, or if notice in writing of the existence of a will, and intention to prove the same or to take out letters of administration be not given to the postmaster-general at his principal office within the period of one month from the death of the depositor, or if such notice be given, but such will be not proved or letters of administration be not taken out, and the probate or letters of administration (as the case may be) produced to the postmaster-general within the period of two months from the death of the depositor, it shall be lawful for the postmaster-general, after such period of one or two months (as the case may be), to pay and divide such funds, at his discretion, to or amongst the widow or relatives of the deceased depositor, or any one or more of them; or, if he shall think proper, according to the statute of distributions.

21. In case any depositor shall die leaving any sum of money in the post-office savings bank, which (exclusive of interest) shall exceed the sum of £100 ($500), the same shall only be paid to the executor or administrator on the production of the probate of will or letters of administration of the estate or effects of the deceased depositor to the postmaster-general; but should the husband of any depositor prove to the satisfaction of the postmaster-general that such money is the joint savings of himself and the depositor, and that it was deposited in the name of the wife with his knowledge and consent, the postmaster-general may order payment of such money in the same manner as if it did not exceed the sum of £100.

22. If any depositor, being illegitimate, shall die intestate, leaving any person or persons who, but for the illegitimacy of such depositor, and of such person or persons, would be entitled to the money due to such deceased depositor, it shall be lawful for the postmaster-general, with the authority in writing of the attorney-general, to pay the money of such deceased depositor to any one or more of the persons who in his opinion would have been entitled to the same according to the statute of distributions if the said depositor and such person or persons had been legitimate.

23. If any depositor shall become insane or otherwise incapacitated to act, and the same shall be proved to the satisfaction of the postmaster-general, and if the postmaster-general shall be satisfied of the urgency of the case, he may authorize payment from time to time out of the funds of such depositor to any person whom he shall judge proper, and the receipt of such person shall be a good discharge for the same.

24. Upon presentation at any post-office savings bank in Victoria of twelve (12) one penny Victorian stamps, not obliterated, damaged, or defaced, affixed to a form provided by the post-office department for the purpose, the same shall be accepted as a deposit of one shilling.

25. If any dispute shall arise between the postmaster-general and any individual depositor, or any executor, administrator, next of kin, or creditor or assignee of a depositor who may become bankrupt or insolvent, or any person claiming to be such executor, administrator, next of kin, creditor or assignee, or to be entitled to any

In this form the depositor must specify the number of his book and the name of the office at which his first deposit was made, the sum he wishes to withdraw, his occupation and residence, and the post-office at which he wishes to receive his money. On receipt of this application, a warrant in the following form for the amount required, payable at the office named, shall be sent to him by post:

Form of warrant to be issued to enable a depositor to receive payment of a sum withdrawn.

Warrant No.—

DEPOSITOR'S BOOK.
—
Place .....
No.....

SAVINGS BANK DEPARTMENT,
General Post-Office, Melbourne, ——, *189*–.

To the postmaster of ——:
Pay —— —— of —— the sum of —— on production of his deposit book, and on his satisfying you that he is the person entitled to the same, and charge the amount to the department.
Entered.....
Examined.....
£ : : ..... *Controller.*

Depositor's receipt.

I hereby acknowledge the receipt of the above-named sum.
.....(Signature of depositor.)

Stamp of paying post-office.

By the same post the postmaster at whose office the warrant is made payable shall be advised of the issue of the warrant. This warrant must be presented by the depositor at the post-office named thereon, together with the depositor's book, in which the postmaster shall enter the amount repaid, and attest the entry with his signature and the dated stamp of his office. The postmaster shall take a receipt from the depositor, on the warrant, for the amount repaid to him.

The postmaster-general will endeavour to prevent fraud and to identify every depositor transacting business with the post-office savings bank. But if any person shall fraudulently represent himself to be a depositor, and by forwarding the proper notice of withdrawal, and by presentation of the depositor's book, and compliance with the rules of the department, shall obtain any sum of money belonging to that depositor, the postmaster-general will not be responsible for the loss thereof.

17. Any depositor residing at a distance from the chief office, Melbourne, wishing to withdraw the whole or any part of the sum deposited by him, provided such sum does not exceed £20, can obtain the money on the same day on his making application through the electric telegraph, and paying the cost of two telegrams, at a uniform charge of 1s. for each telegram.

The depositor shall be required to sign the withdrawal notice in the presence of a savings bank officer, by whom the message will be forwarded to the controller at Melbourne; but no officer shall forward any such message unless the depositor is personally known to him, or unless satisfactory evidence is produced that he is the person entitled to withdraw, and the deposit book is also produced. In all cases where notification of withdrawal is received from a depositor by electric telegraph, authority to pay the amount claimed shall also be forwarded to the postmaster by electric telegraph.

Deposits may be withdrawn at the chief office, Melbourne, at call.

18. Except as hereinbefore mentioned, repayments shall be made only to a depositor in person, or to the bearer of an order under his hand, signed in the presence of either a clergyman or a justice of the peace, or, in case of sickness, of the medical attendant. If the depositor resides out of Victoria, his signature must be verified by some constituted authority of the place in which he resides.

The following is the form of order to be signed by the depositor on such occasions, a copy of which may be obtained at the post-office at which the warrant is made payable:

must be of the value of one shilling, or of some number of shillings. You will also learn from the same clause that no depositor (with the exceptions specified in clause 10 of the Post-Office Savings Bank General Regulations, 1890) may deposit more than £100 within any period of fourteen days without special permission in writing having first been obtained from the postmaster-general. You must, therefore, be careful not to take more than £100 from a depositor when he makes his deposit, and when he makes a further deposit you must ascertain, by the examination of the previous entries in his book, that his deposits made within the previous fourteen days, together with that which he is about to make, do not exceed £100. (See clause 19 of these regulations.)

5. When a person applies to you to receive his first deposit for transmission to the post-office savings bank, furnish him with the form of declaration required by clause 3 of the Post-Office Savings Bank General Regulations, 1890 (Form S. B., No. 8), and direct him to read it. If he can not read you must read it to him. He must sign it, and his signature must be witnessed by yourself, or by some person known to you, or by a clergyman, or by a justice of the peace. If he can not write he must affix his mark, and his mark must be witnessed. Next obtain the money intended to be deposited. Next take one of the numbered depositor's books referred to in clause 5 of the Post-Office Savings Bank General Regulations, 1890, and require the depositor to sign his name in the space allotted for that purpose within the cover of the book. If the depositor can not write, his mark is to be taken, and witnessed by yourself. Next enter in the book the Christian name, surname, address, and occupation of the depositor, the date of the receipt of the deposit and its amount, sign your name against the entry, and affix an impression of your dated stamp in the place prepared for the same in the depositor's book. You will next enter the whole of the particulars of the deposit in the form of daily account supplied to you for that purpose (Form S. B., No. 2); and, after satisfying yourself that you have made correct entries of every item, namely, the number of the depositor's book, the amount deposited, the Christian name, surname, address, and occupation of the depositor, you will insert on the form of declaration in the place indicated thereon the name of your office, and the number of the depositor's book, which you will copy from the book itself, and then deliver the book to the depositor, whom you must inform that in a few days he will receive an acknowledgment from the postmaster-general that the deposit has been entered in the books of the post-office savings bank, and that if he does not receive that acknowledgment within ten days he must write to the postmaster-general and state that he has not received it. This course is enjoined in clause 5 of the Post-Office Savings Bank General Regulations, 1890. If the depositor be a child unable to write, the declaration must be made by a parent or relative, and the account must be opened in the name of that parent or relative *for the child*. The age of the child should be stated in the declaration. This form of account must not be confounded with that of a trustee (see clause 9 of these regulations).

6. On making every deposit after the first the depositor must bring his book with him, and you must enter in that book the correct amount of such deposit, with the date on which it is made, affix your signature against the entry, and affix in the proper place an impression of your dated stamp.

7. Deposits or repayments made at a different office from that at which the account was opened are called "cross entries," and such entries must be made on a separate daily account sheet, the totals of the cross-entry sheet being added to the totals of the straight-entry sheet, as shown in the pattern on the last page.

8. You will enter the particulars of every deposit as it is made in your daily savings bank account as before, and in any case in which the previous deposits entered in the depositor's book were made at another post-office you will be careful to enter the name of that office, as well as the number of the book, in the proper column of the cross-entry account.

9. You may receive deposits—

A. From a trustee on behalf of another person, in the joint names of that person and the trustee (see clause 7 of the Post-Office Savings Bank General Regulations, 1890). In such case the declaration must be made by the trustee on the form specially provided; but the names of both parties must be entered in the depositor's book and in your daily savings bank account. This form of declaration must not be used when a parent or relative opens an account for a child (see clause 5 of these regulations).

B. From persons under twenty-one years of age (see clause 8 of the Post-Office Savings Bank General Regulations, 1890). The age of depositors should be stated in the declaration.

C. From women, whether married or single (see clause 9 of the Post-Office Savings Bank General Regulations, 1890), which clause you must recommend female depositors to read carefully.

D. From the trustees of any friendly society, the rules of which have been duly certified, or charitable or provident society (see clause 10 of the Post-Office Savings Bank General Regulations, 1890). As it will not be in your power to ascertain

whether the rules of any of these institutions have been duly certified, you must, upon a first application from the trustees of any one of them to be permitted to deposit, refer the applicants to the postmaster general, from whom you will receive the necessary instructions and form of declaration.

10. Any depositor wishing to withdraw the whole or any part of his deposits, and applying to you for information as to the proper mode of effecting his object, must be supplied with one of the forms of notice of withdrawal (Form S. B., No. 4) (see clause 16 of the Post-Office Savings Bank General Regulations, 1890); but before supplying the form you will, of course, satisfy yourself by inspection of the depositor's book, or otherwise, that the party applying is a depositor. You will instruct the depositor how to fill up the form and impress on him the necessity of stating accurately on the form the name of the place where the first deposit entered in his book was made and the number of that book. A few days after the receipt of the notice in Melbourne a warrant for the amount to be withdrawn will be issued and sent by post to the address of the depositor and an advice of the issue of this warrant will be sent to you. When the warrant is presented for payment at your office by the depositor you must compare it with the advice and require the depositor to sign his name to the receipt at the foot of the warrant. You must then ask him for his depositor's book and compare his signature to the warrant with his signature in the book when his first deposit was made, and if you are satisfied that he is the party entitled to receive the amount, and if the warrant corresponds with the advice, you must pay the amount accordingly. If the depositor can not write this comparison can not be made, and you must then require him to bring some person known to you who can identify him as the person named in the warrant. In such a case the depositor's mark must be affixed to the receipt at the foot of the warrant and must be witnessed by the person identifying him. If the warrant does not correspond with the advice or you have reason to think that the person presenting the warrant is not entitled to receive the amount, you must refuse payment and report the same to the savings bank branch, general post-office, Melbourne.

11. Warrants can only be paid to the depositor in person, or to a person authorized by him in the Form S. B., No. 7, a copy of which you must supply if applied for. The order must be signed and witnessed in the manner prescribed in clause 18 of the Post-Office Savings Bank General Regulations, 1890, and when the warrant has been duly paid you must attach the order to it.

12. When you have paid the amount stamp the warrant with your office stamp, enter the particulars in that portion of the depositor's book appropriated to withdrawals, giving the number of the warrant and the amount withdrawn, sign your name, and affix an impression of your dated office stamp in the proper place in the depositor's book. When this has been done enter the warrant on the credit side of your daily savings bank account, giving in each column of that account the information required by the respective headings of those columns.

13. When a depositor applies to withdraw by telegraph you will give him one of the forms (S. B., 4 D) and direct him to fill it up in the usual manner; then you must carefully compare the signature on the notice with the signature in the depositor's book. If he can not write his mark must be witnessed by some person known to you, and who can identify the depositor. When you are satisfied that the applicant is entitled to the withdrawal forward the telegraph message to the controller, and charge the depositor one shilling.

When you receive the controller's reply enter it on the back of the withdrawal notice, and proceed as instructed by the preceding clause.

14. If any depositor in any penny savings bank shall present to you his deposit book and claim repayment, you must supply him with a notice of withdrawal (Form S. B., No. 4*a*), and direct him to fill it up and forward it with his book (in a cover which will be supplied to you for the purpose) to the postmaster-general, Melbourne, and inform him that he will obtain payment and a new post-office deposit book, if required, within ten days. If any depositor of a penny savings bank wishes to make further deposits at your office he must also be requested to forward his penny savings bank deposit book to the postmaster-general, Melbourne, and a new post-office deposit book will be supplied to him within ten days. The necessary instructions will be forwarded to you to enable you to enter the amount due to the above-described depositors in a post-office savings bank deposit book, to be issued from your office.

15. At the close of business you must carefully add up both sides of your savings bank account and enter the respective totals in the places indicated on the account. You must then enter on your money-order account, in the places marked for the purpose in the form of money-order daily account, the total number and total amount of savings bank deposits received by you during the day and the total number and total amount of savings banks payments made by you during the day. You must add the total amount of savings banks deposits to the total amount of orders issued and the total amount of savings bank payments to the total amount of orders paid, and these totals must also be entered in your money-order cashbook. You must

then tie up the paid warrants, the closed books, and the declarations made by new depositors and enclose them in the savings bank account, which must then be placed inside the daily money-order account and sent up with it in the ordinary envelope to the money-order office. (See clauses 41 and 42 of Money-Order Regulations).

16. The balance of the moneys received and paid by you on savings bank account will thus have become part of the balance due from you on the money-order account, and you must remit, as at present, any sum which may be in your possession in excess of your money-order reserve.

17. Should no savings bank transactions take place at your office on any day you will not be required to send up a form of account, but you will be required to enter in each of the places set apart for savings bank totals in the daily money-order account the word nil.

18. Should any savings bank transactions have taken place during the day on which no money-order transactions have taken place you will be required to send up a money-order account with the word nil written across that part of it which refers to money orders, and the totals of the savings-bank transactions inserted in the part which refers to them.

19. You will learn from clause 24 of the Post-Office Savings Bank General Regulations, 1890, that twelve (12) one penny Victorian stamps, not obliterated, damaged, or defaced, affixed to Form S.B., No. 58, may be accepted as a deposit of one shilling.

20. You must forward the forms, with the stamps unobliterated, to the cashier, general post-office, Melbourne, as a remittance on money-order account, on the 15th day of each month.

21. You are forbidden by the postal act to give any information, except to the postmaster-general and the proper officers of the post-office, as to the name of any depositor or the sum deposited or withdrawn by him, and disobedience to this rule will incur the severe displeasure of the postmaster-general. You will also be liable to forfeit a penalty not exceeding £100 for an offence against, or a wilful neglect or omission to comply with, this or any other of the regulations.

22. The foregoing regulations and instructions are in lieu of all previous regulations and instructions (except the Post-Office Savings Bank General Regulations of August, 1890) for the guidance of postmasters and other officers authorized to transact post-office savings bank business in Victoria, which are hereby cancelled.

JOHN GAVAN DUFFY,
Postmaster-General.

POST-OFFICE AND TELEGRAPH DEPARTMENT,
Melbourne, February 16, 1892.

SPECIMEN COPY.

STAMP OF OFFICE.

For STRAIGHT ENTRIES.

S. B.—No. 2.

STAMP OF OFFICE.

POST-OFFICE SAVINGS BANK.

ACCOUNT OF DEPOSITS with the Postmaster of _____

	No. of book.	Amount of deposit. £ s. d.	Depositor's book.	No.	Amount of deposit. £ s.	Depositor's Title.[1]	Christian name.	Surname.	Address.	Occupation.[2]
	1	10 0 0	A	1	10 0	Mr	Robt. William	Johnson	3 York place	Bookseller.
	2	0 15 0	B	2	0 5	Miss	Margaret	Lewis	18 Camp street	Schoolmistress—spinster.
	3	1 5 0	C	3	1 5	Mrs	Sarah Anne	Smith	10 High street	Wife of a grocer.
	4	5 0 0	D	4	5 0	Miss	Ellen Mary	Roberts	Clarence Villa, acknowledgment to be sent to post office.	None—spinster.
	5	1 10 0	E	5	1 10	Mr	William	Jones		Carpenter.
	6	15 0 0	F	7	15 0	Mr	In trust for Mary	Jones	19 Duke street	None—spinster.
							William for John William	Fichling Fichling	Croft Farm	Farmer. Minor.
	7	0 18 0	G	8	0 18	Master	Peter	Rothwell	Fairfield	Minor.
	8	100 0 0	H	9	100 0	Dr Mr Mr	Richard George Robt Michael	Brown Glossop Blunt	High street King street	Surgeon. Draper. Ironmonger.
						Trustees of the Victoria Lodge of Odd Fellows.				
	9	12 0 0	J	10	12 0	Miss	Lydia Jane	Stanley	Rose Cottage	None—spinster.
						Treasurer of Provident Clothing Club.				
	3	0 8 0	K	3	0 8	Mrs	Sarah Ann	Smith	10 High street	
	10	146 16 0		10	146 16					
Add cross entries ...	2	49 8 0	Add cross entries	2	49 8					
	12	196 4 0	*Total carried to debit of money-order account	£	196 4					

Signature of postmaster.

No.	Amount.			

For use at the chief office.

[1] Note.—In this column the postmaster will insert the title by which each depositor should be addressed by the chief office in preparing the acknowledgment, viz, Mr., Mrs., Miss, Master, Esq., Rev., &c.

[2] Note.—The occupation of the depositor is only to be entered when the first deposit is made.

The above particulars of each deposit to be entered on this butt, and carefully preserved for future reference.

*If a second sheet is necessary, the amount of the first sheet is to be carried forward and the total made up at the foot of the last sheet.

POST-OFFICE SAVINGS BANK.

Explanation of straight entries in daily account.

A, B, C, and D are deposits made by individuals according to clauses 2, 3, 4, and 5 of the Post-Office Savings Bank General Regulations. In these cases the declaration should be on Form 8, the Christian name or names and the surname of the depositor being entered in full in the body of that form, and his or her usual signature affixed on the line underneath the date. In the case of females it is always desirable that the entry under the head of "Occupation" should give some indication whether they are single or married, as shown in entries B, C, and D.

D is a case in which the depositor does not wish the acknowledgments to be addressed to her residence. This being her first deposit, she is required to state her residence, and it is entered in the account, in order that it may be copied into the books of the department, but she is allowed to have another address inserted in the account, to which she wishes the acknowledgment to be sent. In making subsequent deposits she may give this or any other address for that purpose, and such address only need appear in the account.

E is a trust account opened in accordance with clause 7 of the Post-Office Savings Bank General Regulations, the deposit being made by a brother (as trustee) on behalf of his sister. In this case the declaration should be on Form 9, and should be signed by the trustee, but the notice of withdrawal and the receipt to the warrant for repayment will require the signatures of both parties.

F and G are instances of the different ways in which, according to clause 8 of the Post-Office Savings Bank General Regulations, accounts may be opened for minors. F is the entry when the account is for a child who can not write, and the declaration is signed by the parent, who must also sign the notice of withdrawal and receipt for repayment on behalf of the child. G is the entry for a minor who has entire control over his deposits and signs all documents himself.

H and J are deposits made, respectively, under clause 10 of the Post-Office Savings Bank General Regulations, by the trustees of a friendly society and the treasurer of a provident or charitable society. In these cases the necessary preliminaries must have been attended to. Accounts of public institutions must never be opened without special instructions from this department, and as directed in clause 10 of general regulations. Upon a first application from the trustees of any friendly society to be permitted to deposit, the applicant must be referred to the postmaster-general, to whom they should send a copy of their rules, and from whom necessary instructions will be issued.

K is the entry of a second deposit, and it is in this case unnecessary to state the occupation of the depositor.

STAMP OF OFFICE.

CROSS ENTRIES.

Office where first deposit was made.	No. of book.	Amount of deposit.
		£ s. d.
Melbourne...	4	11 8 0
Geelong	58	38 0 0
Carried to debit of straight-entry account.....	2	49 8 0

The above particulars of each deposit to be entered on this butt, and carefully preserved for future reference.

CROSS ENTRIES.—That is, deposits made at this office when the deposit book was issued at another office.

S. B—No. 2.
250.

STAMP OF OFFICE.

POST-OFFICE SAVINGS BANK.

ACCOUNT OF DEPOSITS with the Postmaster of _____

Depositor's book.		Amount of deposit.	Depositor's						
Office where first deposit was made.	No.		Title.[1]	Christian name.	Surname.	Address.			
		£ s.							
R Melbourne.....	4	11 8	Master .	James	Adams	6 David street			[1] Note.—In this column the postmaster will insert the title by which each depositor should be addressed by the chief office in preparing the acknowledgment, viz, Mr., Mrs., Miss, Master, Esq., Rev., &c.
S Geelong.....	58	38 0	Mr.....	Reginald	Nicholson ..	4 George street			
						No.	Amount.	For use at the chief office.	
† Total carried to debit of straight-entry account ...	2	£49 8	*Signature of postmaster.*						

Explanation of cross entries in daily account.

R and S are deposits made by depositors whose books were issued at other offices, and accordingly the names of those offices are entered in the column provided for that purpose, and the total number and amount must be added to the totals of the straight-entry account.

Specimen forms of declaration.

ORDINARY ACCOUNT.[1]

[Depositor's book. Place—St. Kilda East. No. 469.]

I, John James Lynch, builder, of Gordon street, East St. Kilda, do hereby declare to the postmaster-general that I am desirous, on my own behalf, to become a depositor in the post-office savings bank. I do further hereby declare that I am not directly or indirectly entitled to any deposit in or benefit from the funds of this or any other savings bank in the Colony of Victoria, nor to any sum or sums standing in the name or names of any other person or persons in the books of the said post-office savings bank; and I do hereby testify my consent that my deposits in the said post-office savings bank shall be managed according to the regulations thereof.

Witness my hand this 19th day of September, 1891.

J. JAS. LYNCH.

Signed by the said depositor in the presence of me,

ROBT. BROWN, *P. M.*

Save and except such benefit as I may be entitled to from being a member of a friendly society legally established, or from such sum or sums as may be standing in my name as trustee jointly with the name or names and on behalf of any other depositor or depositors.

ORDINARY ACCOUNT IN MORE THAN ONE NAME.[2]

[Depositor's book. Place: St. Kilda East. No. 470.]

We, Robert Charles Simmons, grocer, of Little street, St. Kilda; and Edward Richard McGrath, grocer, of Walpole street, Balaclava, do hereby declare to the postmaster-general that we are desirous, on our own behalf, to become depositors in the post-office savings bank. We do further hereby declare that we are not directly or indirectly entitled to any deposit in or benefit from the funds of this or any other savings bank in the colony of Victoria, nor to any sum or sums standing in the name or names of any other person or persons in the books of the said post-office savings bank; and we do hereby testify our consent that our deposits in the said post-office savings bank shall be managed according to the regulations thereof.

Witness our hands this 19th day of September, 1891.

R. C. SIMMONS.
E. R. MCGRATH.

Signed by the said depositors in the presence of me.

ROBT. BROWN, *P. M.*

Save and except such benefit as we may be entitled to from being members of a friendly society legally established, or from such sum or sums as may be standing in our names as trustees jointly with the name or names and on behalf of any other depositor or depositors.

ACCOUNT BY MINOR, WHO CAN NOT WRITE.[3]

[Depositor's book. Place: St. Kilda East. No. 471.]

I, for Lionel Ronald Watts, minor, of Bank street, St. Kilda East, do hereby declare to the postmaster-general that I am desirous, on my own behalf, to become a depositor in the post-office savings bank. I do further hereby declare that I am not directly or indirectly entitled to any deposit in or benefit from the funds of this or any other savings bank in the colony of Victoria, nor to any sum or sums standing in the name or names of any other person or persons in the books of the said post-office savings bank; and I do hereby testify my consent that my deposits in the said post-office savings bank shall be managed according to the regulations thereof.

Witness my hand this 19th day of September, 1891.

MARY ANN WATTS,
(*Mother*) *on behalf of Lionel Ronald Watts.*

Signed by the said depositor in the presence of me.

ROBT. BROWN, *P. M.*

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[1] All blanks must be carefully filled in as shown. If depositor be a married woman it should be so stated.

[2] To be filled up as Form A, but singular number to be made plural. This must not be confused with trust accounts. There is no special provision for "joint accounts." If required they may be opened, but repayment, in case of death of one of the parties, will be subject to any claim made by the legal representatives of deceased.

[3] This account can only be opened by a parent or some relative of the minor. The relationship must be shown and the age of child stated. This class of accounts must not be confused with trust accounts.

Save and except such benefit as I may be entitled to from being a member of a friendly society legally established, or from such sum or sums as may be standing in my name as trustee jointly with the name or names and on behalf of any other depositor or depositors.

ACCOUNT BY A MARKSMAN.[1]

[Depositor's book. Place: St. Kilda East. No. 474.]

I, Donald Gregory Phillips, hawker, of Broad street, St. Kilda, do hereby declare to the postmaster-general that I am desirous, on my own behalf, to become a depositor in the post-office savings bank. I do further hereby declare that I am not directly or indirectly entitled to any deposit in or benefit from the funds of this or any other savings bank in the colony of Victoria, nor to any sum or sums standing in the name or names of any other person or persons in the books of the said post-office savings bank; and I do hereby testify my consent that my deposits in the said post-office savings bank shall be managed according to the regulations thereof.

Witness my hand this 19th day of September, 1891.

DONALD GREGORY (his x mark) PHILLIPS.

Witness:[2]
JNO. TAYLOR.

Signed by the said depositor in the presence of me.

ROBT. BROWN, *P. M.*

Save and except such benefit as I may be entitled to from being a member of a friendly society legally established, or from such sum or sums as may be standing in my name as trustee jointly with the name or names and on behalf of any other depositor or depositors.

ORDINARY TRUST ACCOUNT—CLAUSE 7 OF THE POST-OFFICE SAVINGS BANK GENERAL REGULATIONS.[3]

[Depositor's book. Place: St. Kilda East. No. 472.]

In conformity with the regulations of the governor in council, made under the authority of the post-office act 1890, I, William Ernest Chapman, of Stephen street, St. Kilda East, do hereby declare to the postmaster-general that I am desirous of becoming a depositor in the post-office savings bank, as the trustee of Donald George Watson, of Surrey street, St. Kilda; and I do further declare, on behalf of myself, and also on behalf of the said Donald George Watson, that we are not, either jointly or severally, directly or indirectly entitled to any deposit or benefit from the funds of this or any other savings bank in the colony of Victoria, nor to any sum or sums standing in the name or names of any other person or persons in the books of the said savings bank above mentioned.

Witness my hand this 19th day of September, 1891.

WM. E. CHAPMAN.

Signed by the said trustee in the presence of me.

ROBT. BROWN, *P. M.*

Save and except such benefit as I or he may be entitled to from being a member of a friendly society legally established, or from such sum or sums as may be standing in my name as a depositor on my own account or as trustee jointly with the name or names and on behalf of any other depositor or depositors.

SPECIAL TRUST ACCOUNT.[4] [No. 10.

[Depositor's book. Place: ——. No. ——.]

We, —— ——, being the trustees of the friendly society called the ——, held at —— and duly[5] ——, do hereby declare that we are desirous, on behalf of the

[1] The signature of a marksman must be witnessed by some one in the presence of the postmaster or officer receiving the deposit. Depositors should be informed that when withdrawing they must be identified unless known to the postmaster who pays.

[2] Witness must be known to officer receiving deposit.

[3] Such an account is not to be opened by a parent or relative for a child unless specially desired for rotection of both. It must always be pointed out that no withdrawals can be effected unless the receipts of both the trustee and the person on whose behalf the trust is created be obtained.

[4] Before any accounts are opened in the names of any friendly society or charitable or provident society the circumstances of each case, together with the rules (if any) of the society, must always be submitted to the head office, when forms will be supplied and instructions given.

[5] Insert "enrolled," "registered," or "certified," as the case may be.

trustees of the said society, of depositing in the post-office savings bank the sum of £——; and we further declare that the sum above stated is the exclusive property of the said society specified in this declaration and arises from the contribution of the members of the said society[1] ——, and that the said friendly society has no funds deposited in any other savings bank.

Witness our hands this —— day of ——, 189—.

——, ——,
——, ——,
Trustees of said Society.

Signed in the presence of me.

——, ——,
——, ——.

NOTE.—In case of false declaration the sum paid on such declaration will be forfeited.

SPECIAL TRUST ACCOUNT. [No. 11.

[Depositor's book. Place: St. Kilda East. No. 473.]

We, ——, ——, being the[2] —— of the[3] —— do hereby declare that we are desirous of depositing the sum of £—— in the post-office savings bank on behalf of the said society; and that the society has no fund deposited in any other savings bank.

Witness our hands this —— day of —— 189—.

——, ——,
——,[2] *of the said Society.*

Signed in presence of me.

——, ——.

REGULATIONS AND CONDITIONS UNDER WHICH TELEGRAPHIC MESSAGES ARE AUTHORIZED TO BE TRANSMITTED IN VICTORIA.

PAYMENT OF TELEGRAPH CHARGES BY STAMPS.

1. The charges on Victorian and Intercolonial telegrams and the local fees on foreign telegrams must be paid in stamps, which may be purchased from the officers of the department who receive telegrams from the public, and must be affixed to the message forms by the senders or persons tendering the messages for transmission. Stamps will be sold by all officers of the department who receive telegrams from the public.

Unused or unobliterated adhesive duty stamps, and unused or unobliterated stamps, embossed, impressed, or printed upon envelopes, post cards, or newspaper wrappers, are accepted in payment of telegraph fees, but no other impressed, embossed, or printed stamps (such as those on bills, notes, checks, etc.), or railway freight stamps are available for payment of above fees.

MESSAGES NEED NOT NECESSARILY BE WRITTEN ON GOVERNMENT PRINTED FORMS.

2. All messages, whether written upon the usual printed forms or upon plain paper, will be considered as tendered for transmission to their destination under the regulations and conditions under which telegraphic messages are authorized to be transmitted in Victoria.

MANNER OF WRITING MESSAGES.

3. A full and correct address must be given to every message, which must also bear the signature of the sender. Messages must be written with ink. All amounts must be written in words at length with figures in parentheses. No abbreviations will be allowed that are not in general use and in accordance with the usage of the language. All numbers in the texts of messages, except cipher messages, and all marks should be written in words in full. When a nom de plume is used instead of a signature the words comprised in such nom de plume shall be charged for as part of the text of the telegram.

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[1] Insert "and from donations," if donations have been received.
[2] Insert "trustee" or "treasurer."
[3] Insert "charitable society," "provident institution," or "society," "charitable donation, or bequest for the maintenance, education, or benefit of the poor," as the case may be.

ORDER OF TRANSMISSION.

4. Messages must be transmitted in the order of their reception, and no precedence will be allowed, except for special dispatches on the service of the Government, messages relating to the arrest of criminals, and urgent messages.

PREPAID REPLIES.

5. Payment of charges in advance is required, except for replies to interrogatory messages on which the sender shall have written the words "Reply paid;" but telegrams from the police, reporting fires, accidents, etc., to the newspapers, or to the Melbourne exchange, or replies from Government officers to paid telegrams addressed to such officers, may be forwarded unpaid as "Collect messages."

When a person wishes to pay for a reply to a telegram which he is about to send, he must write the words "Reply paid" in the telegram, which words will be charged for, and he must affix a minimum rate in stamps for the reply in addition to the charge for the original telegram; the receiving officer will then mark the message "R. P." Should the charge for the reply exceed the amount so prepaid, the difference is to be collected on the delivery of the reply.

In the event of replies not being received to telegrams containing the words "Reply paid," the amounts prepaid for such replies will not be refunded.

DELIVERY OF MESSAGES.

6. Messages will be delivered free of charge within a radius of 1 mile, and on payment of 3d. if beyond 1 mile and within a radius of 1½ miles from the office at which they are received, provided that messengers are attached to that office. If natural obstacles or other difficulties intervene, the department will not undertake delivery. Beyond the distance named delivery expenses will be charged. (See list of stations.) For messages to be delivered on shipboard a charge for boat hire, if necessary, will be made. No receipts from the addressees will be taken upon the delivery of telegrams, except of those received by the Port Darwin submarine cable. Should it be necessary to obtain, in Victoria, evidence of the delivery of a message, a receipt therefor, by telegram, can be ordered at the time such message is lodged for transmission, and will be telegraphed back to sender upon payment of 9d., or, if desired, sent by post card on payment of 1d. Senders of messages should invariably give every information they can to the officers of the department that will facilitate delivery; if the sender omit to do so, it is at his own risk. When it is found that the place to which a message is to be delivered is beyond the radius of 1½ miles from the office, and no porterage has been guaranteed or paid, the message will be posted from the office of receipt. Where no messengers are employed telegrams remain at the office until called for. Arrangements have been made in many cases for special delivery, at fixed rates, of telegrams for places beyond the limits of free delivery. The rates at which such messages will be so delivered are given in the list of telegraph offices in Victoria, under the heading "Porterage." Porterage will be charged per mile, any distance over 1 mile being reckoned as 2 miles, over 2 as 3 miles, and so on.

Mileage will be charged upon the distance from the telegraph office to which messages are addressed to places of delivery. No charge will be made for return journeys. The rates, unless otherwise stated, are for messages sent during ordinary office hours. In every case where porterage is paid or guaranteed on a telegram the amount so paid or guaranteed must be notified by the sending station.

CIPHER MESSAGES.

7. Every message consisting wholly or in part of words in secret language, or of words in any admitted language (English, French, German, Italian, Dutch, Portuguese, Spanish, and Latin), having no connective meaning, or groups of letters, shall be regarded as a cipher message, and every cipher word in such message shall be counted as two words, and the extra charge added to the minimum rate for a message, provided that such extra charge shall not in any case exceed 50 per cent on the ordinary rate which would be payable on account of the said telegram. Groups of five letters or figures shall count as one cipher word.

NONASSUMPTION OF PECUNIARY LIABILITY AND REPETITIONS.

8. No pecuniary responsibility is assumed for any errors or delays in the transmission or nontransmission, delivery or nondelivery of any message, from whatever cause the same may arise. In order, however, to afford the fullest security for the correctness of a transmitted message, the sender may obtain a copy of the message as deliv-

ered from the receiving office upon payment of one-half the original charge upon such message. When repetition is paid for, the receiver should take to the office of delivery a copy of the message as delivered and the message received; the postmaster or receiving clerk will then compare the two, and upon the copy being found correct will transmit it to the sender of the message. The copy may be signed by the receiver or addressee.

NOTE.—The charge for repetition must not be less than the minimum rate for an ordinary message, such charge for repetition to be affixed to the original telegram in stamps as in the case of a reply-paid message.

DELAYS.

9. In the event of serious delays occurring to prevent the transmission of a message within a reasonable time, or sufficient to destroy the value of the dispatch, notice will be conveyed to the sender, should his address be known. The message, if desired, will then be canceled, and the amount paid thereon be returned, on application to the deputy postmaster-general, in writing.

PERIOD FOR WHICH TELEGRAMS WILL BE KEPT BEFORE BEING DESTROYED.

10. Telegrams will be kept by the department, after transmission, for the period of one year, after which they will be burned or destroyed.

HOURS.

11. The offices will be kept open for the transmission of messages by the public generally between the hours of 8.30 a. m. and 8 p. m. (Sundays excepted), except otherwise specified.

INQUIRIES TO BE PAID FOR.

12. The department will not make any telegraphic inquiries with respect to telegrams unless such inquiries be paid for. If error on the part of the department be shown, the amount paid for inquiry will be returned on written application being made to the deputy postmaster-general.

SEARCH FEES.

13. In all cases where search for telegraphic messages or copies thereof may be made, after the date of their transmission, on the application of any duly authorized person, a fee of 2s. 6d. per telegram will be charged. Half rate will be charged for copies of messages having to be repeated, in addition to the search fee. The minimum charge for repeating a message of eighteen words or under is 9d.

URGENT TELEGRAMS.

14. Urgent telegrams, for transmission to places in Victoria, will be accepted from the public on payment of double the ordinary fees. Such telegrams will be transmitted and delivered in preference to any message or dispatch other than Government messages, or those relating to the arrest of criminals, or to any matter connected with the administration of justice. "Urgent" forms and envelopes must be used for "urgent" messages.

When the sender of an urgent telegram prepays a reply, the officer receiving the telegram must ascertain if the reply is also to be treated as urgent or as an ordinary message, and the fact, as the case may be, must be stated in the preamble of the message, thus: "Reply paid, urgent rate," or "Reply paid, ordinary rate." These words must be paid for by the sender of the message.

LOCAL TELEGRAMS.

15. Telegrams are received at any telegraph office addressed to any place within the city, town, etc., in which such office is situated, and delivered by messenger (if such be employed at the office) subject to the usual conditions relating to receipt and delivery of telegrams. The charge for such messages is the rate charged for telegrams addressed to places within Victoria: For 9 words, 9d.; extra words, each, 1d.

TRANSMISSION OF TELEGRAMS BY TELEPHONE.

16. Subscribers to telephone exchanges in Victoria may transmit to any telegraph station, which may be connected with any telephone exchange, messages intended to be further transmitted from the telegraph office to the respective destinations of such messages as postal telegrams.

Such subscribers may also, at their option, have postal telegrams addressed to them forwarded by telephone from the telegraph office of destination to their telephonic address, and copies of such telegrams will at the same time be posted for delivery to their address, stamped on the face "Transmitted by telephone."

The fee to be charged to subscribers desirous of availing themselves of this system will be £5 5s. ($26.25) per annum.

Subscribers to the telephone exchanges who do not desire to pay the annual fee of £5 5s. ($26.25) may have telegrams addressed to them transmitted by telephone to their address.

The charges for transmitting telegrams as above will be as follows: For each telegram, provided the telephone conversation does not exceed three minutes, 6d.; for each additional three minutes, or fraction thereof, 6d.

Such subscribers may also transmit to any telegraph office which may be connected with any telephone exchange messages to be further transmitted from the telegraph office to the respective destinations of such messages as postal telegrams, provided they pay the usual cost of such telegrams in addition to the above rates.

Subscribers wishing to avail themselves of this system will be required to deposit with the post and telegraph department an advance sufficient to cover their probable expenditure on such telegrams for one month, such account to be adjusted monthly (or more frequently, if necessary) by the telegraph office and reimbursement obtained.

The transcription of telegrams telephoned by subscribers will, so far as this department is concerned, become the original telegrams, and it must be understood that such transcriptions will not be admitted as evidence in case of appeal to the law courts, and that the department will not assume or be subject to any liability by reason or on account of any failure, delay, or mistake in or about the transmission, receipt, or delivery of any telegram under this system, from whatever cause the same may arise.

TELEGRAMS FORWARDED BY POST.

17. Telegraphic messages posted at any post-office (not a telegraph office) will be forwarded by first mail to the nearest telegraph office and be transmitted thence by wire, provided the telegraph charge, in unobliterated stamps, be affixed to such message. Telegrams for places within Victoria must have affixed to them stamps to the value of at least 9d. or they will be returned. If they bear stamps to that amount but are insufficiently paid they will be sent on and the sum deficient be collected on delivery. In cases where telegrams are addressed to places beyond the colony the full charge must be prepaid or the message will be returned to the sender. Telegrams, with the necessary stamps affixed, if posted in any letter receiving box or pillar, on reaching the post-office will be, in like manner, handed over to the telegraph branch for transmission. Telegrams posted as above may be written either on a telegraph form or plain paper and should be inclosed in an envelope (which need not be stamped) legibly indorsed, "Telegraphic message only." Telegrams addressed to post towns to which there is no telegraphic communication will be transmitted by wire to the telegraph office nearest thereto and be forwarded thence to destination by first post without any additional charge. Telegrams for any other Australasian colony may be directed to be sent by post from any telegraph station in Victoria, and will be so forwarded without other charge than that for transmission by wire in Victoria, which must be fully prepaid. No postage is required on telegrams to be posted from stations in any of the neighboring colonies.

REDIRECTION OF TELEGRAMS WITHIN VICTORIA.

18. A telegram directed to any place within Victoria may be retransmitted by telegraph to any other address within the colony at half rates, if returned unopened to the office from whence it was delivered, but in no case shall the charge for retransmission be less than nine pence.

If a telegram be opened after having been delivered, and be then returned for retransmission, full rates must be charged thereon.

In either case the telegram should be indorsed by the person at whose request it is to be retransmitted, or if sent to a telegraph office it must be accompanied by a written request, signed by the person requesting the retransmission of such telegram.

The cost of retransmission may be paid in advance or collected upon delivery. If the amount is to be collected, the person tendering the telegram for retransmission must guarantee and be responsible for the payment thereof, in the event of it being found impossible to collect the same from the addressee.

RECTIFICATION OF ADDRESSES.

19. When the advice of nondelivery of a telegram is received, and the sender rectifies the original address, he must be charged for the rectifying message at the ordinary rate.

TELEGRAMS MARKED "PRIVATE."

20. Should the sender of a telegram desire that the word "Private" be marked on the envelope, the words "Private on envelope" must precede the name of the addressee.

Thus: "Private on envelope. John Smith, Bourke street, Melbourne."

The three words will be charged for as part of the body of the telegram.

TELEGRAMS WITH MULTIPLE ADDRESSES OR SIGNATURES.

21. Only one address or signature to a telegram will in future be sent by wire to places where no charge is made for the transmission of addresses or signatures to messages. Extra addresses or signatures will be counted and charged as part of the telegram.

For example: In the address "Mr. or Mrs. Jones, Ballarat," the words "or Mrs." are charged for.

In the signature "Henry and Mary Huxtable," the words "Henry and" are charged for.

The above does not apply to the ordinary addresses or signatures of firms, which will be transmitted without extra charge.

On messages to the same city or town bearing multiple addresses half rates will be chargeable for the text of the messages and full word rates for the additional names and addresses after the first address.

TELEGRAMS AWAITING DELIVERY AT AN OFFICE.

22. When telegrams are received at any telegraph office where there is no delivery by messenger, in all cases where the addressees shall have so requested the postmaster, notices (headed "Telegram list") to the effect that such telegrams are awaiting delivery will be posted in a conspicuous place outside the office. Immediately after the delivery of any such telegrams, the notice relating thereto will be canceled.

REPORTS BY TELEGRAPH RESPECTING DANGEROUS INFECTIOUS DISEASES.

23. Under section 125 of the health act, 1890, reports by telegraph respecting dangerous infectious or contagious diseases, sent to the central or local board of health, are to be transmitted without charge.

COUNTERMANDING TELEGRAMS.

24. The sender of any telegram lodged at any telegraph office in Victoria for delivery in the colony may have his telegram canceled on making written application to that effect to the postmaster or officer in charge of the office at which such telegram may be lodged, and, if it can be canceled before the commencement of transmission, the sum paid shall be refunded on application to the postmaster-general, at any time within three calendar months; but if transmission has commenced the sum shall not be returned. If transmission has been completed, an official telegram, which must be prepaid by the sender, shall be sent to the postmaster or officer in charge of the terminal office. Should the official telegram arrive too late at the terminal office the sender shall be informed that the attempt to cancel his telegram has failed, but the sum paid shall not be refunded.

PAYMENT OF TELEGRAPH CHARGES BY STAMPS.

25. The stamps tendered in payment for transmission of telegrams must, in every case, be affixed to the telegram by the person tendering same, and not by an officer of the department.

If a stamp affixed to a telegram has been regummed or be dirty, the officer receiving such telegram must at once draw the attention of the postmaster or officer in charge to the state of the stamp, who will, if satisfied that the stamp has not been previously used, write his initials under same.

The stamps on telegrams must be canceled with the date stamp of the transmitting office, each stamp bearing a clear and distinct impression of the date and the name of the office. Under no circumstances is a stamp which has been obliterated to be used a second time.

Telegrams are to be numbered consecutively in the order they are received before being transmitted.

Postmasters will be held personally responsible for the carrying out of these instructions, and will be liable for all bad or doubtful stamps found on telegrams transmitted from their offices.

CODE ADDRESSES.

26. A record is open at the Melbourne central telegraph office for the registration of the full address at which foreign telegrams reaching Melbourne and bearing abbreviated or arbitrary addresses are to be delivered.

Cipher words representing addresses must be submitted before registration to prevent the same word being used by different firms. Real words or names must be registered as address indicators. Combinations or made-up words, such as "Granotel," "Willsmith, "Brooksons," will not be accepted.

A fee of 1 guinea ($5.25) must be paid for every code address registered with the post-office and telegraph department for a period of twelve months, but persons desirous of having a code address registered for foreign telegrams for the period of one month may do so on payment of the sum of 5s. ($1.25).

Code addresses are not registered between places in Victoria and places in other colonies where no charge is made for transmission of addresses of telegrams.

The telegraph companies register names and addresses of telegraph correspondents free of charge at all their stations, and in London at Winchester House, 50 Old Broad street, 8 Leadenhall street, and 42 Finsbury Circus.

Addresses may also be registered at any government telegraph office in England or Scotland upon payment of 1 guinea ($5.25) per annum to the postmaster-general, London. This registration can be effected only at the telegraph station in the town where the firm is established, and not by letter from Australia to London, or vice versa, as different firms sometimes select the same code word.

WEATHER REPORT.

Copies of the "Daily Weather Report," issued from the central telegraph office, Melbourne, will be supplied upon payment of £5 ($25) per annum.

SYNCHRONIZING CLOCKS.

Electric signals from the Melbourne Observatory, for the purpose of working sychronizing apparatus in clocks in the city of Melbourne, will be provided upon payment of £5 ($25) per annum for each clock.

TELEPHONE EXCHANGES.

Exchanges are established in Melbourne, Ballarat, Bendigo, Geelong, and Warrnambool, and suburban branch exchanges at Ascot Vale, Brighton, Brunswick, Footscray, Hawthorn, Malvern, Williamstown, and Windsor.

Scale of charges, terms, and conditions under which telephone lines, instruments, etc., in connection with the Victorian telephone exchanges and private telephone lines, instruments, etc., in the colony of Victoria will be leased (per annum):

TELEPHONE EXCHANGE.

	s.	s.	d.	
Business rates (line of 1 mile or under, and one telephone, with service at exchange):				
Melbourne	9	0	0	$45.00
Suburban	9	0	0	45.00
Country	8	0	0	40.00
Private residence rates (line of 1 mile or under, and one telephone, with service at exchange):				
Melbourne, suburban, and country	5	0	0	25.00
Private lines:				
Line only, 1 mile or under	4	0	0	20.00
Each telephone, set	2	0	0	10.00
Extra services:				
Each additional half mile or under	1	0	0	5.00
Extra telephone sets (without indicator)	2	0	0	10.00
Indicators, each	0	10	0	2.50
Battery bells, each	0	10	0	2.50
Magneto extension bells, each	0	10	0	2.50
Offices in same building, each (after first full rate), with instrument	3	0	0	15.00
Offices in same building, each (after first full rate), without instrument	2	0	0	10.00
Additional names in Guide (maximum number allowed, six), each	0	5	0	1.25

Special appliances, as per agreement.

The above rates include attendance, adjustment, repairs, and renewals of instruments and batteries.

Mileage to be calculated radially from the exchange with which subscribers are connected, and in regard to extensions from starting point of such extensions; allowance, however, to be made for shortage on the main line.

Mileage of private lines to be calculated radially from starting point.

Rent to be charged from the first day of the month following the completion of the line.

First year's rent to be paid in advance; subsequent rent to be paid in advance yearly, half-yearly, or quarterly, at the option of the postmaster-general.

New exchange lines to be taken for at least one year.

New private lines, if within 3 miles of an exchange, to be taken for at least one year; if beyond 3 miles, to be taken for three years, and under certain conditions by arrangement.

Lessees requiring their wires or instruments removed from one building or room to another, or to a different position in the same room, will be charged the net cost of labor and material expended on such removal.

If the removal involves an extension of line beyond the mileage paid for, the rental to be increased accordingly.

One calendar month's notice in writing must be given of intention to discontinue the use of a line.

PUBLIC BUREAUS.

Fees:	£	s.	d.	Cents.
Three minutes' conversation on city, suburban, or country exchange lines	0	0	6	12½
Five minutes' conversation on trunk lines of 25 miles	0	0	6	12½
Five minutes' conversation on trunk lines of 50 miles	0	1	0	25
Five minutes' conversation on trunk lines of 100 miles	0	1	6	37½
Fee for messenger's service within 1½ miles of bureau	0	0	6	12½
Fee for transmission of telegrams by telephone	0	0	6	12½

Subscribers to telephone exchanges may use the trunk lines when required, by paying a toll fee for each connection of five minutes' duration or fraction thereof, provided a sum of money equal to their estimated requirements for, say, one month be paid in advance. All accounts to be rendered monthly, reimbursements to be promptly made, and no connection to be made after notification that the advance has been exhausted.

No person to be allowed the use of the trunk line for more than five minutes consecutively, if other applicants are waiting to use it; but if the line be disengaged an extension of time will be granted on payment of the additional fee for every five minutes or portion thereof.

In cases where the line may be engaged, applications will be registered and connection will be made in the order of priority of application.

Public offices have been established where persons not subscribers to the exchange may, on application thereat, be allowed the use of the line and instruments and be connected with any subscriber at the other end, or may converse with any other person at the public office at the other end who may be in attendance by appointment, on paying the toll fee for each connection of three minutes' duration or fraction thereof.

Upon payment of the fee of 6d. (12½ cents), in addition to the telephone toll fee, a messenger will be dispatched to call any person the applicant may desire to converse with, provided the place of business or residence of such person be within a radius of 1½ miles from the office.

Complaints relating to Melbourne or suburban exchanges to be addressed: "For Telephone Exchange, The Deputy Postmaster-General, Melbourne."

Those regarding the Ballarat, Sandhurst, Geelong, or Warrnambool exchanges to be sent to the postmasters at those places.

FEE TO BE CHARGED FOR ADDITIONAL NAMES INSERTED IN TELEPHONE DIRECTORY.

Subscribers to the Victorian telephone exchanges are allowed to have their names recorded once in the telephone directory free of charge, but in the event of more than one name being required to be inserted by a subscriber an annual fee of 5s. is to be charged for each additional name. No subscriber is, however, allowed to have more than six names inserted in the directory. Before, however, any additional names can be inserted in the directory, evidence must be produced to the satisfaction of the postmaster-general that the subscriber is acting as agent for the person or firm whose name he desires to be inserted, and in no case will anyone but the subscriber be allowed to use the telephone on behalf of such person or firm.

TELEPHONE BUREAUS, MELBOURNE AND SUBURBS.

Telephone bureaus are established at the central telegraph office, the law courts, Melbourne; No. 8 Shed North Australian Wharf; and at Ascot Vale, Elsternwick, Elsternwick Receiving House, Collingwood, Fitzroy. Footscray, Geelong, Moonee Ponds, North Melbourne, St. Kilda, South Yarra, Williamstown, Williamstown North, and Windsor, where persons may converse on the telephone with any subscriber in Melbourne or the suburbs. Fee, 6d. for a conversation of three minutes or fraction thereof.

PRIVATE TELEPHONES, ETC.

The department undertakes the adjustment, regulation, and maintenance of telephones and batteries the property of persons and firms, and it is intimated that such service will be performed for the sum of £1 10s. ($7.50) per single set per annum.

Where the instruments referred to do not give satisfactory results, owing to their being worn out or of obsolete forms, the department will replace private instruments with others of the best make (which remain the property of the Government), and the old appliances will be purchased at a valuation.

If this latter course be adopted, the charge for rent of instruments and maintaining the service in good order will be £2 10s. ($12.50) per single set per annum.

Rent of line per mile, £4 ($20) per annum for first mile, and £1 ($5) per annum for each additional one-half mile or portion thereof.

TELEPHONIC COMMUNICATION BETWEEN MELBOURNE AND GEELONG.

The following are the rates for use of the telephone line between Melbourne and Geelong, viz: For each conversation of five minutes, or fraction thereof, 1s. (25 cents).

A fee of 6d. (12½ cents) is charged for messenger's services for calling any person required to converse with subscribers or others to the public office.

PRESS RATES.

For each conversation of five minutes between 8 a. m. and 8 p. m., 6d. (12½ cents). For each conversation of ten minutes between 8 p. m. and 8 a. m., 6d. (12½ cents). Conversations to be restricted to press messages for publication.

REGULATIONS FOR THE ERECTION OF PRIVATE TELEPHONE LINES.

In country districts a private person may be allowed to erect poles and wires for a telephone line mainly upon his own land, provided such line be used exclusively for his own private purposes and be not run from a point in the vicinity of a telegraph office to another point in a like vicinity, upon payment in advance of a license fee to the postmaster-general of £1 ($5) per mile per annum for the first 4 miles; after that, 10s. ($2.50) per mile or fraction thereof per annum: *Provided, nevertheless,* That the license fee shall in no case exceed £7 ($35) per annum.

Where the line may cross or run along public roads or tracks, the height of the wire above the highest portion of the road or track shall not be less than 18 feet, and the poles carrying the wire at such places shall be of a substantial character and be strutted or stayed, if necessary, to stand the strain of the wire.

All fittings upon such poles, such as brackets, pins, insulators, wire, etc., shall be of approved material and make.

The person wishing to erect the line must submit a plan and specification showing the route to be followed, especially marking where roads are to be crossed or entered upon, and describing the nature and dimensions of the materials to be used in the construction of the line, and any other particulars which may be required, upon receipt of which the postmaster-general may direct an officer of the post-office and telegraph department to examine such plan and specification, and, if necessary, make an inspection of the route, the cost of such examination and inspection to be borne by the person wishing to erect the line; and should the report of such officer disclose that the line will not in any way interfere with or endanger any other line of telegraph, whether belonging to the postmaster-general, the Victorian railways commissioners, or any private person, and that the material and method of erection described in the specification are satisfactory, the postmaster-general may, upon payment of the necessary fees, grant permission to erect: *Provided, however,* That such permission shall in no case be granted in the event of the route of such proposed line being along any public road, railway, or track, or over or across any private land other than land belonging to the person desirous of erecting such private line, unless and until the necessary authority of the local municipal council or the owners of such private land (as the case may be) shall have been obtained and satisfactory evidence to that effect shall have been forwarded to the postmaster-general.

The person to whom such permission has been granted shall, upon the completion of the line, report the fact to the postmaster-general, when an officer of the post-office

and telegraph department may be sent to inspect the line and report whether the work has been satisfactorily carried out, the cost of such inspection to be borne by the person who erected the line. If the work be not to the satisfaction of the inspecting officer, he shall issue instructions as to what is required, and on the defects being made good a license to use the line may be issued.

Should the person to whom permission has been granted to erect the line fail to make good the defects pointed out, the postmaster-general may take such steps as he may deem necessary to remove the portions objected to, and the person seeking the license to use the line shall be prohibited from so doing until the requirements of the postmaster-general have been satisfactorily complied with.

The postmaster-general may direct an official inspection of such lines to be made periodically; and the officer making such inspection may direct the licensee to make such alterations or repairs as may to him appear necessary, and the licensee shall immediately carry out the same; and in the event of his failing to do so within a reasonable time the officer shall report to that effect, and the license to use such line shall be canceled.

The licensee shall be wholly responsible for the repairs and maintenance of the line, and he shall undertake to maintain the same in a thoroughly efficient manner at his own cost; and any alterations, repairs, or other works which the postmaster-general may, in the interests of public safety or convenience, order to be done shall be charged to the licensee, and may be recovered by the ordinary process of law.

The licensee shall undertake that the line shall be used for his own private purposes only, and in no case shall he charge or accept a fee for the use of the line or for the transmission of any communication over the same; and in the event of it being proved that he has done so at any time the license may be canceled, and he may be proceeded against for an infringement of the post-office act.

In the event of the licensee's line being found to interfere in any way with the future erection of any lines by the postmaster-general or the Victorian railways commissioners, the postmaster-general may direct the licensee's line to be altered, removed, reerected in another position, or otherwise dealt with as may be deemed necessary.

The licensee shall be solely responsible for any damage which may arise to life, limb, or property which may be caused by the poles, wire, or other portions of the line erected by the licensee.

Where the line is required to be erected partly on poles the property of the postmaster-general and partly on poles the property of the licensee, the latter shall pay at the rate of £4 ($20) per annum per mile for the first 3 miles and £2 ($10) per annum per mile over that distance for the portion erected on the government poles; but the wire erected on such poles shall be erected and maintained by the postmaster-general.

In cases where the licensee requires the line to be connected with a post and telegraph office for the purpose of transmitting and receiving telegrams, a fee of £5 5s. ($26.25) per annum will be charged in cities and large towns, and £2 2s. ($10.50) in small towns, in addition to the rates herein quoted. It must be understood that the usual telegraphic rates will be charged in addition to the above on all telegrams transmitted over the lines beyond the office connected or for delivery from that office.

TELEGRAPH OFFICES IN VICTORIA.

Ordinary office hours, 8.30 a. m. to 8 p. m. (Sundays excepted).

Telegrams are delivered from offices where there are messengers free within a radius of 1 mile, and on payment of 3d. (6 cents) if beyond a mile and within a radius of 1½ miles.

Where no messengers are employed, telegrams remain at the office until called for.

Arrangements have been made in many cases for special delivery, at fixed rates, of telegrams for places beyond the limits of free delivery. The rates at which such messages will be so delivered are given in the list of telegraph offices in Victoria, under the heading "Porterage." Porterage will be charged per mile, any distance over 1 mile being reckoned as 2 miles, over 2 as 3 miles, and so on. Mileage will be charged upon the distance from the telegraph office to which messages are addressed to places of delivery. No charge will be made for return journeys. The rates, unless otherwise stated, are for messages sent during ordinary office hours.

On departmental holidays telegrams will only be received at and transmitted from offices between 8.30 a. m. and 10 a. m. and 6 p. m. to 7 p. m. Messages bearing the proper fees in stamps dropped into the receiving boxes at the post-offices during times the offices are closed will be transmitted as soon as they are reopened.

The ordinary fees only will be charged upon telegrams forwarded as above.

CHARGES FOR TELEGRAMS TRANSMITTED WITHIN VICTORIA.

The charges must be paid in stamps, to be affixed to the message forms by the sender or persons tendering the messages for transmission, and the stamps must be obliterated with the office stamp in the presence of the sender.

Ordinary rates.

Private messages (sent during ordinary office hours, 8.30 a. m. to 8 p. m.): 9 words or under, 9d. (18 cents); extra words, each, 1d. (2 cents).

Press messages (transmitted between 8.30 a. m. and 7.30 p. m.): 10 words and under, 6d. (12½ cents); extra words up to 34, each, 1 halfpenny (1 cent); over 34 words and under 100, 1s. 6d. (37½ cents); each additional 50 words, or under, 6d. (12½ cents).

DEFINITION OF PRESS MESSAGES.

Messages addressed to newspapers for publication, not being advertisements, and messages sent from one newspaper proprietor or news agent to another respecting telegrams for publication will be charged at press rates.

Special rates and arrangements.

Cipher telegrams.—See page 231, regulation 7.

Urgent telegrams.—Urgent telegrams, whether press or private, are forwarded on payment of double the ordinary rates.

TELEGRAMS TRANSMITTED ON HOLIDAYS.

Messages lodged for transmission on holidays, during the hours telegraph offices are closed to the public, are charged Sunday rates. On departmental holidays telegrams will only be received at and transmitted from offices between 8.30 a. m. and 10 a. m., and from 6 p. m. to 7 p. m. Messages bearing the proper fees in stamps, dropped into the receiving boxes at the post-offices between 10 a. m. and 6 p. m., will be transmitted as soon as the offices are reopened. The ordinary fees only will be charged upon telegrams forwarded as above. Messages taken in by railway or other telegraph offices after 8 p. m., for offices which close at 8 p. m., and which can be delivered from some other office by payment of delivery charges, must, if such delivery is desired, have such charges paid by the sender.

Telegraph offices which close at 6 p. m. will, on public holidays, be open at the general hour arranged for business in the evening, viz, 6 to 7 p. m.

TELEGRAMS TRANSMITTED AT NIGHT (SUNDAYS EXCEPTED).

Private messages (after 8 p. m. until midnight): Ten words or under, 2s. (50 cents); every additional word, 2d. (4 cents).

After midnight and until 8.30 a. m.: Ten words or under, 3s. (75 cents); every additional word, 3d. (6 cents).

Press messages (after 7.30 p. m. until midnight): One hundred words, or under, 1s. 6d. (37½ cents); each additional fifty words, or under, 6d. (12½ cents).

After midnight and until 8.30 a. m., one hundred words, or under, 4s. ($1); each additional fifty words, or under, 9d. (18¾ cents).

Telegraphic messages deposited after 8 p. m. will be transmitted at 11 p. m., unless previous arrangements have been made for their transmission at other hours.

Railway offices.—Private telegrams and press telegrams may be forwarded from railway telegraph stations after 8 p. m. up to time of departure of last passenger train to Melbourne daily (Sundays excepted), upon payment of above charges.

TELEGRAMS TRANSMITTED ON SUNDAYS.

The following rates will be charged on messages forwarded on Sundays, if lodged for transmission before 9.30 p. m., by being dropped into the box provided for the purpose, with fee inclosed:

Private messages (after 8.30 a. m. until 9.30 p. m.): Ten words or under, 2s. (50 cents); each additional word 2d. (4 cents).

After 9.30 p. m. until 8.30 a. m.: Ten words or under, 3s. (75 cents); each additional word, 3d. (6 cents).

Press messages (after 8.30 a. m. until 9.30 p. m.): One hundred words, or under, 2s. (50 cents); each additional fifty words, or under, 9d. (18¾ cents).

After 9.30 p. m. until 8.30 a. m., one hundred words, or under, 4s. ($1); each additional fifty words, or under, 9d. (18¾ cents).

Telegraphic messages deposited during the day will be transmitted at 9.30 p. m., unless previous arrangements have been made for their transmission at other hours.

The chief telegraph office, Melbourne, is available any hour, day or night.

In cases where messages are addressed to places beyond one mile and a half from the receiving office, it will be necessary to inclose (in addition to the fee for transmission of the telegram) a cash deposit or guarantee for delivery charges.

Intercolonial (cipher regulations for messages to any Australasian colony).

Intercolonial telegrams in secret language, or consisting of words in any admitted language (English, French, German, Italian, Dutch, Portuguese, Spanish, and Latin), having no connective meaning, groups of letters or figures, shall be regarded as cipher messages, and be subject to an additional charge of 50 per cent.

In a message containing one or more words in cipher, every such word shall be counted as two words, and the extra charge shall be added to the minimum rate for a message, provided that such extra charge shall not exceed 50 per cent on the ordinary rate which would be payable on account of the said telegram.

Groups of five letters or five figures count as one cipher word.

PORT DARWIN LINE.

The following charges are made for the transmission of telegrams to any of the undermentioned stations:

	Ten words.			Each additional word.				Ten words.			Each additional word.		
	s.	d.		s.	d.	Cents.		s.	d.		s.	d.	Cents.
Alice Springs	4	6	$1.12½	0	4	8	Katherine	8	0	$2.00	0	8	16
Burrundie	8	0	2.00	0	8	16	Pine Creek	8	0	2.00	0	8	16
Barrows Creek	5	0	1.25	0	5	10	Port Darwin	8	0	2.00	0	8	16
Charlotte Waters	4	0	1.00	0	4	8	Powells Creek	7	0	1.75	0	7	14
Daly Waters	7	0	1.75	0	7	14	Tenants Creek	6	0	1.50	0	6	12½

Press messages to Port Darwin are charged, in addition to rates from Victoria to Adelaide, 6s. ($1.50) for 100 words or under, and 1s. 6d. (37½ cents) for each extra 25 words.

After office hours private messages are charged double the ordinary rates.

Rates for transmission of telegrams from Victoria to New South Wales stations.

	s.	d.	Cents.
Ordinary:			
10 words	2	0	50
Extra words, each	0	2	04
Press:			
100 words or under	3	0	75
Each additional 50 words or under	1	6	37½

Press messages under 16 words may be sent at private rates.

Cipher rate, see regulation 7, page 231.

Addresses and signatures of messages not charged for.

After office hours private messages are charged 50 per cent on ordinary rates.

The Adelaide office is in attendance at 10.30 p. m. daily.

On Sundays the minimum charge for private messages is: Ten words, 4s. ($1); extra words, each, 4d. (8 cents).

Urgent telegrams, double rate.

The telegraph offices at Adelaide and Port Adelaide are open from 9 a. m. to 8.30 p. m.; all other offices in South Australia from 9.30 a. m. to 8.30 p. m., except on Saturdays, when all offices close at 6.30 p. m., Melbourne time.

Rates for transmission of telegrams from Victoria to any station in Queensland.

	s.	d.	
Ordinary:			
10 words	3	0	$0.75
Extra words, each	0	3	.06
Press:			
10 words	3	0	.75
Each additional word up to 16	0	3	.06
Over 16 and up to 100 words	4	6	1.12½
Every additional 100 words or fraction thereof	4	6	1.12½

Press messages (to be paid on delivery) received from Queensland on Sundays are charged 50 per cent extra.

On Sundays the minimum charge for private messages is:

10 words	6	0	1.50
For each additional word	0	6	.12½

Cipher rate, see Regulation 7, page 231.

The addresses and signatures of telegrams are not charged for.

Urgent telegrams double rate.

Rates for transmission of telegrams from Victoria to stations in western Australia.

	s.	d.	
Ordinary:			
10 words	3	0	$0.75
Extra words, each	0	3	.06
Press:			
10 words	3	0	.75
Each extra word, up to 16 words	0	3	.06
Over 16 and up to 100 words	4	6	1.12½
Each extra 50 words	2	3	.56
Sunday telegrams—the minimum charge for private messages is:			
10 words	6	0	1.50
Each additional word	0	6	.12½

Should the direct lines to western Australia be interrupted, telegrams will be forwarded to western Australia via Port Darwin, Java, and Roebuck Bay at the following rates, viz, 11s. ($2.75) for ten words, and 1s. (25 cents) for each additional word. Addresses and signatures charged for.

Urgent telegrams will be accepted for western Australia on payment of double rate on the Victorian and south Australian proportions of the charge, i. e., 5s. ($1.25) per ten words or under, and 5d. (10 cents) each additional word. Such messages will take precedence over Victorian and south Australian lines.

The addresses and signatures of telegrams are not charged for.

Rates for transmission of telegrams from Victoria to stations in New Zealand.

	s.	d.	Cents.
Ordinary:			
10 words or under	3	6	87½
Extra words, each	0	6	12½

The cable is kept open daily from 7 a. m. to 9 p. m., Saturdays excepted, when it is closed at 7.15 p. m., Melbourne time.

Press messages are transmitted to New Zealand over the telegraph lines of Victoria and New South Wales at the following rates:

	s.	d.	Cents.
10 words	2	0	50
Each extra word to 34 words	0	0½	1
34 to 100 words	3	0	75
Each extra 50 words	1	6	37½

To the above rates must be added the cable and New Zealand land charges. These charges are—

	s.	d.	Cents.
Cable rate, per word	0	1	2
New Zealand land charges, 100 words or under	0	6	12½
Each extra 100 words	0	6	12½

Address and signature are both charged for as part of message.

Urgent rate.—Three times the rate charged for ordinary telegrams. The word "urgent" must also be paid for.

The method of counting and charging for words in telegrams for New Zealand is the same as that adopted in respect to messages sent to Europe.

Press messages must be prepaid.

Collect messages can only be sent in answer to telegrams received containing the words "reply paid," which must appear in connexion with the check. Mere mention of "reply paid" in body of message is insufficient. The sender of the reply must write the word collect (CT), which is also to be charged for as one word.

The remarks "R. P." transmitted with the check of a telegram to or from New Zealand signify that 10 words have been paid for the reply, and should a greater number of words be paid for, say 15, it will be notified thus— "R. P. 15."

In the event of a reply containing more words than have been paid for the sender of such reply must pay the excess.

Telegrams to be posted from any station in New Zealand require the word "post" to be inserted after the check and charged for as part of the message.

Rates for transmission of telegrams from Victoria to stations in Tasmania.

	s.	d.	
Ordinary:			
For 10 words or under	2	0	$0.50
Each additional word	0	2	.04
Press:			
For 100 words or under	3	6	.87½
Each additional 50 words or under	2	0	.50
After 11.45 p. m., if the cable office be notified to keep open—			
For 100 words or under	5	6	1.37½
Each additional 50 words or under	3	0	.75

Telegrams addressed to surnames only will not be accepted.

The address and signature of telegrams to Tasmania will be sent free if they do not together exceed ten words; each word above that number will be charged for.

The Tasmanian cable will be open on week days for general business from 8.30 a. m. to 11.50 p. m. (closing for press reports at 11.45 p. m.), except on Saturdays, when the cable closes at 8 p. m.

On Sundays the cable will be open from 8.30 to 9.30 p. m.

Messages for transmission to Tasmania on Sundays will be charged at the ordinary day rate.

The following conventional signs are counted as one word:

[1] [2] (D).....Urgent.
(RP) .....Reply paid.
(RPx).....Reply paid x words.
[1] [2] (RPD) .....Reply paid urgent.
[1] [2] (RPDx) .....Reply paid urgent x words.
(TC) .....Collated.
(PC) .....Telegram with telegraphic acknowledgment of receipt.
(PCP).....Telegram with postal acknowledgment of receipt.
(FS).....To follow.
(PR) .....Post, post registered.
(XP) .....Express, express paid.
(XP fr. x)....Express paid x francs.
(XPT).....Telegraph express paid.
[2] (XPP).....Express paid letter.
[2] (RO) .....To be delivered open.
[2] (MP) .....To be delivered to addressee only.
(TR) .....Telegraph restante.
(PG) .....Poste restante.
(PGR).....Poste restante registered.
(TMx).....X addresses (transmit all addresses).

The telegram to be transmitted must be legibly written in characters which have their equivalents in the official table of telegraph signals.

These characters are as follows:

Letters.—A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z. Ä, Á, Å, É, Ñ, Ö, Ü.

Figures.—1, 2, 3, 4, 5, 6, 7, 8, 9, 0.

Signs of punctuation, &c.—Full stop (.), comma (,), semicolon (;), colon (:), note of interrogation (?), note of exclamation (!), apostrophe ('), hyphen (-), parentheses ( ), inverted commas ("), bar of division (/), underline (——).

Every interlineation, reference, erasure, or alteration must be authenticated by the sender or his representative.

The different parts forming the telegram must be written in the following order: (1) Special instructions; (2) address; (3) text; (4) signature.

Any instructions the sender may have to give as to the delivery at destination, prepayment of reply, acknowledgment of receipt, repetition (collationnement), extra copies, &c., should be written immediately before the address of the message, and are charged for. These notices may be written in the abbreviated form adopted for official instructions as given above.

The address of a telegram must consist of at least two words, the first representing the name and address of the receiver and the second the name of the telegraph office of destination. These words must be inserted and charged for as part of the message. The consequences of an incomplete or incorrect address must be borne by the sender. When the name of the terminal office is not in the Berne list the name of the country of destination must be be inserted.

The companies will, at their own stations and free of charge, accord to the receivers of messages the privilege of having their telegrams addressed to them in a preconcerted or abbreviated form if application is made to the station where it is desired to register such address, and if the conditions laid down by the companies for such arrangements have previously been complied with. An address may thus be given in two words, as "Beranger, London." Only one address, however, can be allowed for each correspondent. When a telegram is addressed to the care of a person who has registered an address his name, or the words representing the registered address, must be preceded by one of the instructions, "Care of" or "Chez" or "C/o."

In all cases where it is desired to register a code address a proper name or a dictionary word must be chosen after consultation with the receiving office.

(Such combinations as "Cornmart" for "Cornelius Mart," "Granotel" for "Grand Hotel," &c., being neither proper names nor dictionary words, can not be accepted for registration, nor can such irregular combinations be admitted in the text of messages.)

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[1] Urgent telegrams are not accepted in Great Britain.

[2] These telegrams are not accepted for delivery in Great Britain.

At places where the companies do not deliver telegrams to the public the application for registration must be made to the local telegraph authorities, some of whom make a charge for such registration.

These registrations apply, however, only to messages received at the station where the registration is effected and not to messages forwarded from such station. Registration must in every case be effected at the receiving station.

The text of a telegram may be omitted.

The sender or his representative must sign the telegram at the foot of the message form, adding, if required, his address, but the name of the sender is only charged for if transmitted.

The sender of a private telegram is bound to prove his identity when requested to do so. The sender may have his signature legalized and include such legalization in his telegram. The number of words required for this purpose must be paid for

RECTIFYING TELEGRAMS.

The receiver of a message may have the whole or part of it repeated on payment of the cost of the telegram demanding the repetition and of the reply to the same. These telegrams are exchanged between the telegraph offices concerned and not between the sender and receiver.

The demand for the repetition must be made within 72 hours (not including Sundays) after receipt or despatch of the telegram, and should be written in the following manner:

S. R. Calcutta from London (these words are not charged for).

TWENTY-SIXTH (date of original telegram)	BROWN (addressee of original telegram)	REPEAT FIRST, FOURTH, NINTH (meaning text-words in the original telegram)

or

TWENTY-SIXTH	BROWN	REPEAT WORD (or words) AFTER——

The reply will be as follows: S. R. London from Calcutta (These words are not charged for).

BROWN.....(words repeated).

The number of words in the reply will thus exceed by one the number of words to be repeated.

Between stations supplied with the "Repetition Code Book" the repetition and reply may be sent in the form therein indicated.

The charges will be refunded if the repetition proves that the original message has been mutilated in transmission.

In case some of the words repeated are shown to have been correctly transmitted the cost of the words employed to obtain the repetition of the same, both in the message of inquiry and reply, will be retained.

No refund will be made when the mutilation has been caused by illegible handwriting on the part of the sender, or when the repetition is obtained direct instead of by means of an official service telegram.

No reimbursement of the charge for the original message will be allowed.

The sender can also have the whole or any portion of his message repeated, corrected, or amplified, on payment of the cost of the telegram he forwards and of the reply if one be required.

The repetition takes the following form:

EXAMPLE OF A RECTIFYING TELEGRAM SENT BY THE SENDER.

S. T. Paris from London 26 (No. of the service taxé) 8 (No. of words) (these words are not charged for). 235 thirteenth Krichbaum (No., date, and name of receiver of telegram to be rectified) Replace third (word of text) 20 by 200 (correction).

The charges paid for this class of telegram are not refunded except when they are necessitated by errors of the telegraph service.

COUNTING AND CHARGING.

All telegrams are charged according to a tariff per word.

All that the sender writes on the telegram form for transmission to his correspondent is charged for.

In European telegrams signs of punctuation, apostrophes, hyphens, and fresh paragraphs are not charged for. These signs are not transmitted in extra-European telegrams unless paid for.

The name of the station of origin, the date and time deposited will be officially inserted in the telegram, and supplied to the receiver free of charge. Telegrams from North America, via the North Atlantic, bear the London time, the original time not being signaled by the North Atlantic companies.

Combinations or alterations of words contrary to the usage of the language are not admitted.

Nevertheless, names of towns and countries, patronymics belonging to one person, names of places, squares, boulevards, or streets, names of ships, whole or fractional numbers written entirely in letters, and English and French compound words (to be found in a standard dictionary), joined by a hyphen or separated by an apostrophe, are counted as one word if so written, subject to the limitation of letters.

If a short charge has been made on a message owing to subsequent sender having employed words or combinations contrary to the usage of the language the amount short charged will be collected from the receiver. The telegram will only be delivered on the payment of such short charge.

The following are counted as one word in all languages:

First. In the address (not in the text of the telegram)—

(*a*) The name of the telegraph office of destination written as it appears in the first column of the official nomenclature of the offices, even when this name is followed by that of the country or of the territorial subdivision to which such office belongs.

(*b*) The names of countries or territorial subdivisions, respectively, if written in conformity with the said nomenclature.

Second. Every separate character, letter, or figure.

Third. Underline.

Fourth. Parenthesis (the two signs which serve to form it).

Fifth. Inverted commas (the two signs placed at the commencement and end of one and the same passage).

Sixth. Supplementary instructions written in the abridged form admitted by paragraph 11.

In telegrams written entirely in plain language the maximum length of a word is fixed at 15 letters, any additional letters being counted and charged for as extra words at the rate of 15 letters to the word.

In code language the maximum length of a word is fixed at 10 letters. In a mixed telegram words in plain language are charged for at the rate of 10 letters to a word. In cipher telegrams words in plain language are counted at the rate of 15 letters to a word.

Words joined by a hyphen or separated by an apostrophe are counted as so many separate words.

Each group of five figures or less is charged for as one word; larger groups are charged at the rate of five figures to a word. The same rule applies to the counting of letters when admitted.

Decimal points, commas, hyphens, bars of division, stops used in the formation of numbers, or a letter attached to a figure or figures, are each counted as a figure, or a letter in the group in which they occur. The same rule applies to letters added to figures to form ordinal numbers.

Code words containing more than ten letters (if inadvertently admitted) and words not belonging to any of the languages admitted for international correspondence, are charged for at the rate of five letters to the word.

The words "fob" (meaning "free on board"), "cif" ("cost insurance freight"), and "cfi" ("cost freight insurance") are accepted as one word if written together. If written separately, as "F.O.B.," "C.I.F.," and "C.F.I.," they are counted as three words each. The abbreviations "B/L" ("Bill of lading"), "c/o" ("care of"), and "%" ("per cent") are each accepted as one word.

The words twopence, threepence, up to elevenpence, if written together, are charged as one word each. The word "elevenpence" (being over ten letters) when used in a mixed telegram is charged as two words; when in a cipher telegram it counts as one word.

The following are examples for counting and charging telegrams:

	Number of words.	
	In address.	In text.
New York	1	2
Newyork	1	1
Frankfurt am Main	1	3
Frankfurt a/M	1	2
Frankfurtmain	1	1
Sanct Poelten	1	2
Sanctpoelten	1	1
Emmingen, Hanover *a*	1	2
Emmingen, Wurttemberg *a*	1	2
New South Wales	1	3
Newsouthwales	1	1
XP fr. 2.50 (supplementary instruction written in abridged form)	1	.....

a Hanover and Wurttemberg following Emmingen serve to complete the designation of two offices of the same name in the same State, and thus appear in the first column of the official nomenclature of telegraph offices.

	Number of words.
Van de Brande	3
Vandebrande (name of a person)	1
Du Bois	2
Dubois (name of a person)	1
Belgrave square	2
Belgravesquare (contrary to the usage of the language)	2
Hyde Park	2
Hydepark (contrary to the usage of the language)	2
Hydepark square *a*	2
Hydeparksquare (contrary to the usage of the language)	2
St. James street	3
Saintjames street	2
Rue de la Paix	4
Rue delapaix	2
Responsabilité (14 characters)	1
Kriegsgeschichten (15 characters)	1
Inconstitutionalité (20 characters)	2
A-t-il	3
C'est-à-dire	4
Anjourd'hui	2
Anjourdhui	1
Porte-monnaie	2
Portemonnaie	1
Prince of Wales (ship)	3
Princeofwales (ship)	1
44½ (5 characters)	1
444½ (6 characters)	2
444·5 (5 characters)	1
444·55 (6 characters)	2
44/2 (4 characters)	1
44/ (3 characters)	1
½ 5	2
1½ 8	2
2% (4 characters)	1
2 p%	3
54—58 (5 characters)	1
17me (4 characters)	1
Le 1529me (1 word and a group of 6 characters)	3
10 francs 50 centimes (or) 10fr. 50c	4
10fr. 50	3
fr. 10.50	2
11h 30	3
11.30	1
huit/10	2
5/douzièmes	2
5bis	2
30·*b*	3
15x6 *b*	4
Two hundred and thirty-four	5
Twohundredandthirtyfour (23 characters)	2
Troisdeuxtiers	1
Unneufdixièmes	1
Deux mille cent quatre vingt quatorze	6
Deuxmillecentquatrevingtquatorze (32 characters)	3
E	1
E. M. (isolated letters, initials of names)	2
Emvthf (6 characters). (Secret letters in Government telegrams or commercial signs ["trade marks"])	2
CH23 (commercial signs ["trade mark"])	2
G. H. F. 45 Do.	4
197a/199a Do.	4
c AP/M Do.	1
c 3/M Do.	2
L'affaire est urgente, partir sans retard (7 words and 2 underlines)	9
Reçu de vos nouvelles indirectes (assez mauvaises télégraphiez directement (9 words and 1 passage between parentheses)	10

a In this case the expression "Hydepark" written as a single word counts as one word, because the word "park" forms an integral part of the name of the square.

b Telegraph instruments can not reproduce such expressions as 30a, 15 × 6, &c. Senders must be asked to substitute for them the explicit meanings, "30 exposant a," "15 multiplié par 6," &c.

c These can only be telegraphed AP/M and 3/M respectively.

PAYMENT OF CHARGES.

Telegrams are, so far as concerns the application of charges and of certain service regulations, subject either to the European régime or to the extra-European régime.

The European régime comprises all the countries of Europe, as well as Algiers, Tunisia, Tripoli, Russia in Caucasus, Turkey in Asia, Azores, Senegal, the coast of

Morocco, and other countries situated outside Europe which are declared by the respective administrations to belong to this régime.

The extra-European régime comprises all the countries not included in the preceding paragraph.

All charges must be prepaid except those for supplementary services or special conveyance beyond the telegraph office of destination, which are claimed from the addressee.

A receipt will be given, free of charge, for every message handed in at any of the companies' stations.

A receipt can also be obtained for any message handed in at any Government telegraph station, for which a small charge is sometimes made.

Short charges and charges due by the addressee, which are not recovered from him, are to be paid by the sender.

Charges erroneously collected in excess are returned.

STOPPAGE OF TELEGRAMS.

Any sender can, by proving his identity, stop, if in time, the transmission of a telegram deposited by him.

The telegraph administrations reserve to themselves the power to stop the transmission of any private telegram which may appear dangerous to the security of the State or which may be contrary to the laws of the country or to public order or decency. If such power is exercised the sender is advised thereof.

DELIVERY AT DESTINATION.

Telegrams are delivered according to their address at the place of residence of the receiver, or poste restante at the post-office, or telegraph restante at the telegraph office; and in the two latter cases they are only delivered to the receiver or to a person duly appointed by him.

A telegram taken to the place of residence may be delivered either to the addressee, the adult members of his family, to his employees, lodgers, or landlord, or to the porter of the house, unless the addressee has given special instructions to the contrary.

If the door is not opened at the address given, or if the messenger finds no one who will consent to take in the telegram, notice is left at the address given, and the telegram is brought back to the telegraph office to be delivered to the addressee upon his application.

When a telegram can not be delivered, the delivery office advises the sending office of the cause of nondelivery, which advice, if practicable, is communicated to the sender. The latter can only complete, rectify, or confirm the address by a paid telegram.

URGENT TELEGRAMS.

Some Governments accept urgent telegrams, which take precedence of all other private telegrams and are charged triple rates. At offices in countries the Governments of which accept urgent telegrams the companies also accept this class of telegrams subject to the same regulations as to transmission and charging.

PREPAID REPLIES.

The sender may prepay a reply to his message, which must not, however, exceed 30 words, unless it be to obtain the repetition of a telegram previously transmitted.

The words "reply prepaid" or "(RP)" are to be written before the address and paid for, and the sender must state the number of words he has prepaid; for instance, "reply prepaid twenty," or "(RP 20)"; the first instructions counting as three and the latter as one word. If the sender does not specify the number of words for which he prepays a reply, charge is made for an ordinary telegram of ten words.

The amount prepaid by the sender is held at the disposal of the receiver for a period of six weeks.

Should such reply or other telegram contain more words than have been prepaid the excess must be paid for by the sender of the reply.

If the original telegram be refused by the addressee, the delivery office will inform the sender of it by a service notice, which takes the place of the reply.

If the receiver does not make use of the amount prepaid, he may, within a period of three months, return the voucher delivered with the original telegram, and request that the money be refunded to the sender. If the reply be sent, and contain a less number of words than have peen prepaid, the difference will be returned to the sender if applied for, in the case of extra-European telegrams, but no return is made in the case of European telegrams.

REPEATED OR COLLATED TELEGRAMS.

The sender may have his message repeated from station to station on payment of an additional charge, equal to a quarter of the ordinary rate. The words "repetition paid," or the abbreviated signal "(TC)" must be written before the address, and charged for.

ACKNOWLEDGMENT OF RECEIPT.

The sender may request that the time at which his telegram is delivered to the receiver be notified to him by telegraph or by post.

The words "acknowledgment paid" or the abbreviated signal "(PC)" or if by post "(PCP)" must be written before the address of the telegram, and charged for. The cost of an acknowledgment of receipt by telegraph is equal to that of a telegram of ten words; for acknowledgment by post the charge is 5d.

TELEGRAMS TO FOLLOW.

Telegrams can be directed to several addresses "to follow." For instance: "FS John Brown, Hotel de Rome, Berlin ou Römer Frankfurt a/M." The sender pays the charges to the first destination, and the cost of further transmission is collected on delivering the telegram. The words "faire suivre," or the official code (FS) must be inserted before the address, for which the rate of two words is charged in the former and of one word in the latter case.

Replies to telegrams "to follow" can not be prepaid, neither can an acknowledgment of receipt be obtained.

Messages to follow are not accepted by some countries out of Europe.

The receiver may also arrange with the telegraph office to have his telegrams redirected on undertaking to pay all charges.

MULTIPLE TELEGRAMS.

Telegrams may be addressed:

(*a*) To several persons in the same place.

(*b*) To one person at several residences in the same place;

if the words "X addresses" or (TMx)—the former counting as two and the latter as one word—be written before the address.

Telegrams addressed to several addressees, or to the same addressee, in different towns, are charged as so many separate telegrams.

Telegrams addressed to several persons in the same place, or to one person at several residences in the same place, with or without further despatch by post, are charged as single messages, plus a copying fee of 5d. (10 cents) (for urgent telegrams 10d.) (20 cents) for every 100 words or fraction of 100 words contained in the message for every additional address after the first.

In calculating the charge for the telegram all the names and addresses are included in the number of chargeable words.

Multiple telegrams for places in North America are not accepted.

TELEGRAMS TO PLACES BEYOND THE INTERNATIONAL SYSTEM.

Telegrams for places not connected by telegraph must have instructions inserted before the address as to the means by which they are to be forwarded to destination: For instance, "Express (or post) Müller, Steglitz, Berlin."

The name of the telegraph office by which the telegram is to be sent on by post, express, or other means is stated last.

Telegrams to be sent by post to a country other than that of the terminal telegraph station are subject to a fee of 5d. (10 cents). The charges for transmission by express are, as a rule, collected from the receiver.

SEMAPHORIC TELEGRAMS.

Semaphoric telegrams are telegrams exchanged with ships at sea by means of semaphores established on the various coasts.

Semaphoric telegrams should be written either in the language of the country in which the signal station is situated or in signals of the Universal Commercial Code. In the latter case they are considered as cipher telegrams.

The charge for a semaphoric telegram is 10d. (20 cents) in addition to the ordinary telegraphic charges. For telegrams signalled from ships at sea the charge is collected from the receiver.

CERTIFIED COPIES OF TELEGRAMS.

The sender and receiver of a telegram, or their authorized representative, on proof of identity and on furnishing full particulars of the telegram, may obtain a certified copy of the telegram as handed in, or as delivered at destination, on payment of 5d. or 50 centimes (10 cents) for every 100 words or fraction of 100 words.

As all telegrams are destroyed periodically, certified copies of European telegrams more than six months old and of extra-European telegrams more than twelve months old can not be supplied.

REFUNDS.

Claims may be made for refund in the following cases:

(*a*) The full cost of every telegram which has failed to reach its destination through the fault of the telegraph service.

(*b*) The full cost of every telegram stopped in transmission owing to interruption and cancelled by the sender.

(*c*) The full cost of every telegram which, owing to the fault of the telegraphic service, is received later than it would have been delivered by post, or has not been delivered to the receiver until after a delay of 24 hours if a telegram under the European régime and 144 hours if a telegram under the extra European régime; for countries under the European régime, but which do not form a part of Europe, the period in question is raised to 48 hours.

(*d*) The full cost of every repeated or collated telegram which has manifestly been unable to fulfill its object in consequence of errors made in its transmission, unless the errors have been rectified by paid service advice.

(*e*) The supplementary charge for special services not rendered.

(*f*) The full cost of every paid service advice, the sending of which has been necessitated by service error.

(*g*) The amount deposited for a reply when the addressee has not been able to make use of the voucher, provided the sender claims within three months from the date of issue.

(*h*) The charge in respect of the telegraph section not traversed by the telegram when, owing to interruption of a telegraph route, the telegram has been forwarded to its destination by postal or other means. The expense of replacing the original telegraphic route by any other means of transport is, however, deducted from the amount to be refunded.

(*i*) The cost of every word omitted in transmission of a telegram of the extra-European régime, unless corrected by paid service advice.

(*j*) Amounts deposited for paid service advices and for replies thereto if the repetition does not agree with the first transmission, with the reservation, however, that when some words have been correctly and some incorrectly reproduced in the first telegram, the charge for words in the request for repetition, and in the reply, relating exclusively to words correctly transmitted originally, is not refunded.

(*k*) The difference between the amount of a reply voucher relating to an extra-European telegram and the charge for a reply telegram of less value prepaid by means of such voucher.

(*l*) The charge for every telegram stopped under paragraph 59.

In the cases provided for in paragraphs (*a*), (*b*), (*c*), (*d*), (*h*), and (*i*) of the first paragraph of the present regulation, the refund only applies to the tariff of the actual telegrams lost, cancelled, delayed, or mutilated, including any supplementary charges not used, but not to telegrams necessitated or rendered useless by nondelivery, delay, or mutilation.

When errors of the telegraphic service have been corrected by paid service advices, reimbursement only applies to the charges for such service advices. No refund is made in respect of telegrams to which such advices relate.

No reimbursement is made for rectifying telegrams which, instead of being exchanged from office to office as paid service advices, have been exchanged direct between sender and receiver.

Every claim for refund should be made, under penalty of rejection, within three months for European and six months for extra-European telegrams from the date of deposit of the telegram.

Every claim must be made to the original sending administration, and be accompanied by documentary evidence—i. e., a written statement from the terminal office or addressee if the telegram has been delayed or not been delivered; the copy delivered to the addressee, if the question is one of alteration or omission.

The claim may, however, be presented by the addressee to the office of destination, which decides whether it must deal with it, or whether it must be forwarded to the sending administration.

Scale of charges for telegrams from any station in Victoria to places situated in the countries named.

[Names and addresses of sender (when transmitted) and addressee to be paid for.]

EUROPE (DIRECT).

	s.	d.	
Austria-Hungary	4	10	$1.20
Azores	5	5	1.35
Belgium	4	10	1.20
Bosnia-Herzegovina	4	10	1.20
Bulgaria	4	10	1.20
Denmark	4	10	1.20
France	4	10	1.20
Germany	4	10	1.20
Gibraltar	4	10	1.20
Great Britain[1]	4	10	1.20
Greece, mainland	4	10	1.20
Greece, islands	4	10	1.20
Holland	4	10	1.20
Italy	4	10	1.20
Luxemburg	4	10	1.20
Malta	4	10	1.20
Montenegro	4	10	1.20
Norway	4	10	1.20
Portugal	4	10	1.20
Roumania	4	10	1.20
Russia in Europe	4	10	1.20
Russia in Caucasus	4	10	1.20
Servia	4	10	1.20
Spain	4	10	1.20
Sweden	4	10	1.20
Switzerland	4	10	1.20
Turkey in Europe	4	10	1.20
Turkey in Asia, via Suez	5	3	1.31
Turkey in Asia, via Fao	3	9	.94
Crete and other islands, via Suez	5	3	1.31
Crete and other islands, via Fao	4	0	1.00

NORTH AFRICA.

	Direct.			Via Teheran, Malta, and Alexandria.		
	s.	d.		s.	d.	
Algeria and Tunis	4	10	$1.20	.....		
Egypt:						
Alexandria	4	10	1.20	5	11	$1.48
First region	4	10	1.20	6	2	1.54
Second region	4	10	1.20	6	4	1.58
Third region	4	10	1.20	6	7	1.65
Tangier and Tripoli	4	10	1.20	.....		

CHARGES FOR PRESS MESSAGES.

The rate from Victoria to United Kingdom or France for bona fide press telegrams is 1s. 10d. (46 cents) per word.

Conditions on which press telegrams will be accepted at the reduced tariff.

The wires by the Eastern Company's route of telegraph from London via Gibraltar and Malta to India and thence by the Eastern Extension Telegraph Company's route to Australia shall be available to the press for the transmission, at a rate of 1s. 10d. (46 cents) per word between the United Kingdom and Victoria, and between France and Victoria, of news or intelligence for publication in newspapers allowed by the British, French, and Victoria Governments, respectively, to receive intelligence by telegraph at the reduced rate.

[1] Government messages to Great Britain, via India, 3s. 7d. (90 cents); via Moulmein, 7s. 2d. ($1.80); via Hongkong, 9s. 8d. ($2.40) per word.

Such messages shall not interfere with the transmission of the ordinary message traffic, and, in order to insure this, the transmission of such news messages may be deferred or suspended or interrupted until any Government message or any ordinary or press messages at full rates that may be on hand shall have been transmitted and completed.

The working of the wire or wires shall be subject to the rules and regulations of the International Telegraph Convention.

No messages at the reduced rate shall be sent except for publication in such newspapers, and they must be written in plain English if for England, and in plain French if for France, so as to be intelligible to the transmitting offices. Messages containing news or information not for publication, or containing code words or words of concealed meaning, or groups of figures or ciphers, shall be paid for at the full tariff rates in force for ordinary messages.[1]

The newspapers, their correspondents or agents, are required to address their messages to a newspaper office, which shall be prohibited from selling, distributing, or communicating such messages to clubs, exchanges, or newsrooms, or disposing of them for any purpose whatsoever, directly or indirectly, other than for publication in newspapers allowed by the British, French, and Victorian Governments to receive them.

Messages can only be accepted from the authorized correspondent of a newspaper, and the news sent in such messages must be duly published in the newspapers, or satisfactory reasons be given for nonpublication, in the absence of which full rates will be chargeable.

The administrations reserve to themselves the right to terminate the present arrangements, but will in such case announce their intentions twelve months beforehand.

Postages if messages sent by sea.

	s.	d.	Cents.		s.	d.	Cents.
African Direct Company	0	5	10	Italy	0	10	20
Anglo-American Company	1	0	25	Japan	0	10	20
Austria-Hungary	0	10	20	Java	0	10	20
Belgium	0	10	20	Mauritius (Post Durban)	0	5	10
Central and South American Company	1	0	25	Paris and New York Company	1	0	25
Direct United States Company	1	0	25	Portugal (including Madeira and St. Vincent)	0	10	20
Eastern Company	0	5	10	Siam	0	11	23
Eastern and South African Company	0	5	10	South Australia	Free		
Eastern Extension Company	0	5	10	Spain (to Canary Islands and Spanish possessions in Morocco)	0	2	4
Egypt	0	5	10	All other places	0	10	20
France	0	5	10	Tunis	0	10	20
Germany	0	5	10	Turkey (including Tripoli)	1	6	37
Great Britain	0	10	20	West African Company	0	5	10
Great Northern Company	0	5	10				
India	0	7	14				

AFRICA.

	Direct.a			Via Europe and West Africa.b			Via Vladivostock.		
East coast:	s.	d.		s.	d.		s.	d.	
German East Africa—Bagamoyo and Dar-es-Salaam	7	4	$1.83	12	0	$3.00	14	10	$3.70
Imperial British East Africa Company's station	7	7	1.99	12	3	3.06	15	1	3.77
Laurenzo Marques	7	2	1.79	11	11	2.98	14	9	3.68
Madagascar	7	10	1.96	12	6	3.12	15	4	3.83
Mauritius	7	2	1.79	11	10	2.96	14	8	3.66
Mombasa	7	2	1.79	11	10	2.96	14	8	3.66
Mozambique	7	2	1.79	11	11	2.98	14	9	3.68
Seychelles	7	2	1.79	11	10	2.96	14	8	3.66
Zanzibar	7	2	1.79	11	10	2.96	14	8	3.66

a Increased by 3s. 8d. (92 cents) via Moulmein. b Increased by 4s. 2d. ($1.04) via Moulmein.

[1] Increased by 3s. 8d. (92 cents) via Moulmein.

Postages if messages sent by sea—Continued.

AFRICA—Continued.

	Direct. a			Via Teheran, Malta, and Alexandria. b			Via Vladiv stock.		
Red Sea ports:	s.	d.		s.	d.		s.	d.	
Aden	4	10	$1.20	8	0	$2.00	11	1	
Assab	4	11	1.22	8	1	2.02	11	2	
Djibouti	5	2	1.29	8	3	2.06	11	5	
Hedjaz, via Jeddah	6	1	1.52	8	0	2.00	10	10	
Massowah	5	0	1.25	8	2	2.04	11	3	
Obock	5	0	1.25	8	1	2.02	11	3	
Perim	4	10	1.20	8	0	2.00	11	1	
Suakin	4	10	1.20	6	9	1.68	9	7	
Yemen, via Sheik Seyd	5	5	1.35	8	7	2.14	11	8	

	Direct.			Via Europe.			Via Vladiv stock.		
South Africa:	s.	d.		s.	d.		s.	d.	
Stations north of Zambesi	7	10	$1.95	10	6	$2.62	15	4	
British South Africa Company's stations	7	7	1.89	10	3	2.56	15	1	
Cap Colony:									
Cape Town	7	2	1.79	9	10	2.45	14	8	
Other places	7	4	1.83	10	0	2.50	14	10	
Natal:									
Durban	7	2	1.79	9	10	2.45	14	8	
Other places	7	4	1.83	.....		.....	.....		
Orange Free State	7	4	1.83	10	0	2.50	14	10	
Transvaal	7	4	1.83	.....		.....	.....		

	Via Suez.			Via Zanzibar.			Via Vladiv stock.		
West coast and adjacent islands:	s.	d.		s.	d.		s.	d.	
Accra	12	0	$3.00	15	10	$3.95	16	10	
Accra Government stations	12	2	3.04	16	0	4.00	17	0	
Bathurst	10	0	2.50	18	8	4.66	14	10	
Benguela	14	5	3.60	13	0	3.25	19	3	
Bissao	9	1	2.27	19	0	4.75	13	11	
Bolamo	9	1	2.27	19	0	4.75	13	11	
Bonny	13	7	3.39	15	10	3.95	18	5	
Brass	13	7	3.39	17	0	4.25	18	5	
Cameroons	13	9	3.43	16	0	4.00	18	7	
Canaries, via Cadiz	5	4	1.33	.....		.....	10	2	
Canaries, via St. Vincent	9	4	2.33	.....		.....	14	2	
Conakry	9	1	2.27	17	5	4.35	13	11	
Côte D'Ivoire, Grand Bassam	9	7	2.39	16	9	4.18	14	5	
Côte D'Ivoire, other places	9	9	2.43	16	11	4.22	14	7	
Dahomey, Kotonou, etc	10	10	2.70	15	7	3.89	15	8	
Angola (except Loanda, Benguela, and Mossamedes)	13	2	3.29	13	2	3.29	18	0	
Gaboon	11	3	2.81	15	7	3.89	16	1	
Lagos	12	9	3.18	17	0	4.25	17	7	
Loanda	13	0	3.25	13	0	3.25	17	10	
Madeira, direct	5	5	1.35	.....		.....	10	3	
Madeira, via Cadiz	9	2	2.29	.....		.....	14	0	
Mossamedes	15	4	3.83	13	0	3.25	20	2	
Principe	11	7	2.89	15	7	3.89	16	5	
St. Jago, direct	7	8	1.91	.....		.....	12	6	
St. Jago, via Cadiz	8	4	2.08	.....		.....	13	2	
St. Thomé	11	1	2.77	15	0	3.75	15	11	
St. Vincent, direct	6	10	1.70	.....		.....	11	8	
St. Vincent, via Cadiz	7	4	1.83	.....		.....	12	2	
Senegal, direct	6	1	1.52	.....		.....	10	11	
Senegal, via St. Vincent	8	8	2.16	.....		.....	13	6	
Sierra Leone	10	9	2.68	17	0	4.25	15	7	
Togoland	11	0	2.75	15	10	3.95	15	10	

a Increased by 4s. 2d. ($1.04) via Moulmein. b Increased by 3s. 8d. (91 cents) via Moulmein

Telegrams intended for the colony of Natal should be addressed to Durban or town for which they are intended. If addressed "Natal" only, they run the risl delay.

Telegrams addressed "Natal" only will be sent to "Natal, South America." intended for "Durban, Natal," they must be addressed to "Durban," not "Nat as the latter is a province, not a South African telegraph station.

The postage for places on the west coast of Africa from cable stations is fixed at 10d. (20 cents).

Telegrams for Witwaterslandt should bear the instructions "Post Heidelberg."

ASIA.

	Direct.			Via Moulmein.			Via Vladivostock.		
	s.	d.		s.	d.		s.	d.	
Annam	5	7	$1.39	6	7	$1.64	8	0	$2.00
China: a									
Hongkong, Shanghai, Amoy, Foochow	4	1	1.02	7	2	1.79	6	11	1.72
Formosa	5	1	1.27	8	2	2.04	7	11	1.97
Canton	4	6	1.12	7	7	1.89	7	4	1.83
Macao	4	4	1.08	7	5	1.85	7	2	1.79
Other places	5	8	1.41	8	9	2.18			
Cochin China	4	10	1.20	5	10	1.45	9	0	2.25
Corea	8	6	2.12	12	0	3.00	10	2	2.54
Dutch Indies:									
Java b	3	10	.95						
Other islands	4	3	1.06						
Japan	5	10	1.45	9	4	2.33	7	6	1.87
India:									
India	4	10	1.20	6	3	1.56	9	11	2.47
Burmah	5	1	1.27	6	0	1.50	10	1	2.52
Ceylon	4	11	1.22	6	4	1.58	10	0	2.50
Labuan	4	11	1.22	7	6	1.87	8	5	2.10
Persia, including Bushire	4	3	1.06	7	9	1.93	c 8 d 8	3 0	2.06 2.00
Persian Gulf stations	4	10	1.20	7	4	1.83	9	5	2.35
Philippine Islands	7	7	1.89	11	2	2.79	8	8	2.16
Russia:									
I Region	4	8	1.16				6	3	1.56
II Region	4	8	1.16				6	6	1.62
Bokhara	4	11	1.22				7	1	1.77
Straits Settlements:									
Malacca, Native States, Penang, Singapore	4	4	1.08	7	7	1.89	10	7	2.64
Siam	5	4	1.33	5	5	1.35			
Tonquin	6	0	1.50	7	0	1.75	7	7	1.89
British North Borneo	5	1	1.27	7	8	1.91	8	8	2.16

a Telegrams to places in China not connected with the telegraph system are posted from the nearest telegraph station, and addressed, for example, thus: "——, post Tungchow (12 miles);" and a postal charge of 1s. 10d. (45 cents) is to be collected in addition to the rate to the nearest telegraph station.

The Chinese Administration make an extra charge of 2 shillings (50 cents) on telegrams to ships at Woosung.

b The Java Government lines close at 6 p. m. Telegrams for Java, therefore, should be tendered for transmission as early as possible or they are liable to be delayed until the following morning.

c Bushire.

d Other places.

SOUTH AMERICA.

	Via Lisbon or St. Vincent.			Via Galveston.			Via Key West.		
	s.	d.		s.	d.		s.	d.	
Argentina	9	4	$2.33	9	4	$2.33			
Bolivia	11	0	2.75	11	0	2.75			
Brazil, Pernambuco	8	4	2.08	10	7	2.64			
Amazon stations:									
Cametá, Mosquiero, Pinheiros, Souré	9	6	2.37	10	9	2.68			
Breves, Gurupá	9	8	2.41	10	11	2.72			
Chaves, Macapá, Monte Alegre, Santarem	10	1	2.52	11	4	2.83			
Alemquer, Obidos	10	4	2.58	11	7	2.89			
Parintins	10	6	2.62	11	9	2.93			
Itacoatiara	10	8	2.66	11	11	2.97			
Manaos	11	4	2.83	12	7	3.14			
All other places	9	4	2.33	10	7	2.64			
British Guiana	17	0	4.25				14	10	$3.70
Chile	11	0	2.75	11	0	2.75			
Colombia:									
Isthmus of Panama							9	10	2.45
Buenaventura							10	4	2.58
All other places							10	7	2.64
Dutch Guiana (Surinam)	13	5	3.35				12	7	3.14
Ecuador	15	6	3.87	11	0	2.75			

Postages if messages sent by sea—Continued.

SOUTH AMERICA—Continued.

	Via Lisbon or St. Vincent.			Via Galveston.			Via Key West.		
	s.	*d.*		*s.*	*d.*		*s.*	*d.*	
French Guiana:									
Cayenne	12	6	$3.12				12	11	$3.22
All other places	12	6	3.12				13	1	3.27
Paraguay	9	4	2.33	9	4	$2.33			
Peru	11	0	2.75	11	0	2.75			
Uruguay	9	4	2.33	9	4	2.33			
Venezuela	16	0	4.00				12	11	3.22
Venezuela (Puerta Cabello)							13	3	3.31

WEST INDIES.

	Via Key West.			Via Galveston.			Via Lisbon or St. Vincent.		
	s.	*d.*		*s.*	*d.*		*s.*	*d.*	
Antigua	12	3	$3.06				14	7	$3.64
Bahamas, Nassau (New Providence)				7	3	$1.81			
Barbados	12	8	3.16				15	0	3.75
Bermuda				8	10	2.20			
Cuba: *a*									
Havana*b*	7	6	1.87	16	9	4.18			
Aguadas de Pasageros, Caibarien, Camajuani, Cienfuegos, Corralillo, Fomento, Guaracabulla, Isabela de Tagua, Las Cruces, Los Abrens, Placetas, Quemado de Guines, Remedios, Rodas, Sagua la Grande, Santa Clara, Santo Domingo, Sierra Morena, Yaguajay, Yaguaramas	8	4	2.08	*c*15	11	3.97			
Casilda, Condado, Trinidad	8	7	2.14	15	10	3.95			
Sancti, Spiritus, Tunas do Zaza	8	9	2.18	15	8	3.91			
Chambas, Ciego de Avila, Dominguez, Jucaro, Moron, Piedras, San Nicholas	9	0	2.25	15	7	3.89			
Puerto Principe, Santa Cruz del Sur	9	2	2.29	15	5	3.85			
Bayamo, Manzanillo	9	5	2.35	15	4	3.83			
Santiago	9	7	2.39	14	8	3.66			
Caimanera, Guantanamo, via Caimanera	9	7	2.39	16	11	4.22			
(Plus an extra charge of 4s. 2d. for ten words, and 10d. each additional word.)									
All other places	8	8	2.16	16	11	4.22			
Curaçao	11	7	2.89				15	3	3.81
Dominica	12	1	3.02				14	5	3.60
Grenada	12	7	3.14				14	11	3.72
Guadeloupe	11	4	2.83				13	8	3.41
Jamaica	10	8	2.66	14	1	3.52	18	5	4.60
Marie Galante	11	10	2.95				14	1	3.52
Martinique	11	4	2.83				13	8	3.41
(Rate to these places, via Galveston, same as other places, Cuba.)									
Puerto Rico	13	6	3.37				15	10	3.95
St. Croix	13	1	3.27				15	5	3.85
San Domingo:									
Haiti, Republic of—									
Cape Haitien, Port au Prince	10	2	2.54				14	10	3.70
Mole St. Nicolas	10	2	2.54				14	10	3.70
All other places	12	3	3.06				14	10	3.70
Santo Domingo, Republic of—									
All offices	11	4	2.83				14	5	3.60
St. Kitts	12	7	3.14				14	11	3.72
St. Lucia	12	5	3.10				14	9	3.68
St. Thomas	12	10	3.20				15	2	3.79
St. Vincent	12	5	3.10				14	9	3.68
Trinidad	12	11	3.22				15	3	3.81

a Messages to Cuba should be written in plain ordinary language.

Messages in code or cipher can, however, be accepted, but the Cuban Government reserves to itself the right to demand a translation before delivery. These messages are forwarded at the risk of the sender.

b Messages to places other than Havana should be written in the Spanish language, otherwise they are forwarded entirely at the risk of the sender.

c Cienfuegos only.

Postages if messages sent by sea—Continued.

CENTRAL AMERICA.

	Via Key West.			Via Galveston.		
	s.	d.		s.	d.	
Costa Rica	15	3	$3.81	9	0	$2.25
Guatemala, San Jose	15	6	3.87	7	11	1.97
Guatemala, other places	15	6	3.87	8	2	2.04
Honduras (Republic of)	15	6	3.87	8	7	2.14
Isthmus of Panama	9	10	2.45	9	10	2.45
Nicaragua, San Juan del Sur	15	1	3.77	8	9	2.18
Nicaragua, other places	15	3	3.81	9	0	2.25
Salvador, Liberated	15	4	3.83	8	4	2.08
Salvador, all other places	15	6	3.87	8	7	2.14

NORTH AMERICA.

	s.	d.	
Dominion of Canada:			
Cape Breton	5	10	$1.45
British Columbia	6	4	1.58
Manitoba	6	4	1.58
New Brunswick	5	10	1.45
Northwest Territory	6	4	1.58
Nova Scotia	5	10	1.45
Ontario	5	10	1.45
Prince Edward Island	5	10	1.45
Quebec	5	10	1.45
Vancouver Island	6	4	1.58
Mexico:			
Chihuahua (city), Guaymas, Hermosillo, Matamoras, Monterey, Sabinas, Saltillo, Sauz	6	7	1.64
Mexico City, Tampico, and Vera Cruz (city)	7	4	1.83
Other places	7	6	1.87
Miquelon, St. Pierre	5	10	1.45
Newfoundland	5	10	1.45
United States:			
Alabama	6	1	1.52
Arizona	6	4	1.58
Arkansas	6	3	1.56
California	6	4	1.58
Colorado	6	3	1.56
Columbia, District of	6	0	1.50
Connecticut	5	10	1.45
Dakota	6	3	1.56
Delaware	6	0	1.50
Florida—			
Key West	6	6	1.62
Pensacola	6	1	1.52
Other places	6	3	1.56
Georgia	6	1	1.52
Idaho	6	4	1.58
Illinois	6	1	1.52
Indiana	6	1	1.52
Indian Territory	6	3	1.56
Iowa	6	3	1.56
Kansas	6	3	1.56
Kentucky	6	1	1.52
Louisiana—			
New Orleans	6	1	1.52
Other places	6	3	1.56

United States—Continued.	s.	d.	
Maine	5	10	$1.45
Maryland	6	0	1.50
Massachusetts	5	10	1.45
Michigan	6	1	1.52
Minnesota—			
Duluth	6	1	1.52
Minneapolis	6	1	1.52
Winona	6	1	1.52
St. Paul	6	1	1.52
Other places	6	3	1.56
Mississippi	6	1	1.52
Missouri—			
St. Louis	6	1	1.52
Other places	6	3	1.56
Montana	6	3	1.56
Nebraska	6	3	1.56
Nevada	6	4	1.58
New Hampshire	5	10	1.45
New Jersey—			
Hoboken	5	10	1.45
Jersey City	5	10	1.45
Other places	6	0	1.50
New Mexico	6	3	1.56
New York—			
New York (city), Brooklyn, and Yonkers	5	10	1.45
Other places	6	0	1.50
North Carolina	6	1	1.52
Ohio	6	1	1.52
Oklahoma Territory	6	3	1.56
Oregon	6	4	1.58
Pennsylvania	6	0	1.50
Rhode Island	5	10	1.45
South Carolina	6	1	1.52
Tennessee	6	1	1.52
Texas	6	3	1.56
Utah	6	4	1.58
Vermont	5	10	1.45
Virginia	6	1	1.52
Washington	6	4	1.58
Wisconsin	6	1	1.52
Wyoming	6	3	1.56

NOTE.—Messages directed via Moulmein or via Vladivostock to be charged 4s. 2d. ($1.04) and 4s 10d. ($1.20) per word, respectively, in addition to the charges by the ordinary direct route.

Question No. 2. The annual aggregate amounts of deposits in postal savings banks, as shown by official reports for each year since the establishment of the system.

Question No. 3. What is the rate of interest paid to depositors?

Question No. 6. What is the average amount of the individual deposits annually?

Answer. Statement forwarded, as follows:

Answer to questions 2, 3, and 6.

[Pounds sterling (£) changed into dollars ($).]

Year.	Number of deposits received during year.	Aggregate amount of deposits received during year.	Average amount of each deposit.	Balance due to depositors, including interest at end of year.	Rate of interest given.
1865	4,964	$92,325	$18	$77,335	4 per cent on amounts not exceeding $1,250.
1866	25,909	426,905	18	293,450	Do.
1867	37,624	623,165	16	515,375	Do.
1868	45,408	920,575	20	830,305	Do.
1869	51,528	1,166,060	22	1,217,390	Do.
1870	57,241	1,210,960	21	1,397,750	Do.
1871	63,693	1,463,395	23	1,767,625	Do.
1872	74,842	2,609,890	35	2,717,150	Do.
1873	84,148	2,165,430	25	3,017,615	From Mar. 1, 1873, interest was reduced to 3 per cent until Nov. 1, 1873, when it was increased to 4 per cent.
1874	86,772	2,309,865	26	3,185,445	4 per cent.
1875	82,908	1,979,210	24	2,886,900	Do.
1876	88,128	2,110,675	24	3,086,380	Do.
1877	93,803	2,151,150	23	3,260,440	Do.
1878	95,103	2,066,180	21	3,115,250	Do.
1879	102,376	2,264,920	22	3,250,500	Do.
1880	124,099	2,682,610	21	3,780,225	Do.
1881	136,808	4,217,800	31	5,454,010	Do.
1882	147,420	3,909,665	26	5,751,950	Do.
1883	146,983	3,430,760	23	5,160,655	Do.
1884	160,030	4,228,480	26	5,747,465	Do.
1885	161,096	4,510,910	27	6,308,640	Do.
1886	164,058	4,511,600	27	6,334,780	Do.
1887	163,276	4,787,280	29	7,032,385	Do.
1888	211,450	7,127,730	34	8,816,305	Do.
1889	200,857	6,148,045	31	8,953,745	Do.
1890	205,296	6,784,750	33	9,980,465	Do.
1891	197,753	6,346,390	32	10,416,010	Do.
1892	188,352	7,018,160	37	11,347,020	Do.
1893	202,388	12,091,370	60	14,798,970	On Sept. 1, 1893, rate reduced to 3½ per cent.
1894	188,135	8,118,935	43	15,432,640	On Apr. 1, 1894, rate reduced to 3 per cent.
1895	186,418	7,704,390	41	15,640,640	From Mar. 1, 1895, rate reduced to 2½ per cent up to $500, and 2 per cent on the excess of $500 up to $1,250.
1896	188,961	7,093,575	37	15,952,740	Do.

Question No. 4. What limits, if any, are placed upon the amounts received on deposits?

Answer. No special limit is placed on deposits. Interest is not paid on sums over £250 ($1,250).

Question No. 5. What is the shortest period for which deposits are received?

Answer. Deposits are not received for any fixed periods. Depositors can withdraw as soon as their deposits have been posted in the ledger.

Question No. 7. Are the certificates of deposit transferable; and if so, under what regulations?

Answer. Certificates of deposit are not given.

Question No. 8. Are the certificates of deposit convertible into Government bonds; and if so, under what terms?

Answer. Certificates of deposit are not given and can not, therefore, be converted into bonds. Deposits are paid into and drawn from the trust funds.

Question No 9. Does the Government own either the telegraphs or telephones of Victoria; and if so, when and how did it acquire them?

Answer. The Government owns both the telegraphs and telephones in Victoria. The former was initiated and continued by the Government, which received a sum agreed upon for each subscriber connected.

Question No. 10. If the Government of Victoria purchased the lines of private telegraph or telephone companies, how was the price for the same determined? If by appraisers, how were they appointed?

Answer. In the year 1887 the telephone company offered to sell its rights, title, and interest, together with premises, switch boards, etc., and certain rights in connection with patents for the sum of £78,750 ($393,750), but this was considered exorbitant by the department, and proposals were made to settle the matter of price by arbitration. The company, however, agreed to accept £40,000 ($200,000), and that amount was paid.

Question No. 11. If the telegraphs or telephones of Victoria have been purchased by the Government, what was the original cost of constructing them, and what price did the Government pay for the same?

Answer. See answer to question No. 10.

Question No. 12. What were the annual receipts and expenditures of the telegraphs and telephones under private management, and what have been the annual receipts and expenditures of the same under Government management?

Answer. The revenue derived from the telephones since their purchase from the company is set out hereunder, also the telegraph revenue from 1886 to 1896 The post, telegraph, and telephone work being performed by the same department in this colony, it is not practicable to give the cost of each branch, but an estimate of the cost incurred in connection with the latter service is furnished hereunder.

Year.	Revenue.	Expenditure.	Number of subscribers.
1887	$92,176.37	(*)	.....
1887	†75,922.26	$75,922.26	1,277
1888	108,226.09	206,816.51	.....
1889	154,637.90	239,996.31	.....
1890	181,131.13	276,957.38	.....
1891	188,963.52	275,767.95	.....
1892	188,878.59	190,800.86	.....
1893	188,932.12	141,916.87	.....
1894	175,850.97	136,242.13	.....
1895	173,179.26	118,757.19	.....
1896	186,323.48	.....	.....
1897 (to Oct. 1)	197,852.42	.....	.....
1897	‡160,954.62	.....	3,273

* Government management.
† Government revenue; rates reduced from $77.86 to $58.39.
‡ From Oct. 1, 1897; rates reduced.

TELEGRAPH REVENUE.

Minimum rates, 12 cents for six words and 2 cents for each additional word.

1886	$464,745.88	1892	$564,835.18
1887	500,057.20	1893	514,583.71
1888	609,976.84	1894	484,917.52
1889	621,549.38	1895	*498,586.05
1890	676,292.63	1896	529,095.61
1891	657,177.02		

* From May 15, minimum rates 18 cents for nine words and 2 cents for each additional word.

A fair comparison of the revenue and expenditure under private and Government management can not, however, be given, as several reductions in rates and other concessions have been made since the latter took over the telephone exchanges.

Question No. 13. At the time of the transfer of the telegraphs and telephones of Victoria to the government how many offices and how many miles of wire of each were in Victoria, and how many offices and miles of wire of each are there now?

Answer. In 1886 there were 420 telegraph offices and 10,111 miles of wire; in 1896 there were 776 telegraph offices and 9,371¼ miles of wire. In 1896 there were 10,134.54 miles of telephone wire.

Question No. 14. How does the cost of the extensions of telegraphs or telephones which have been made by the government of Victoria compare with the original cost of construction of the telegraphs or the telephones by private companies?

Answer. (See reply to question 9.)

Question No. 15. Does the government of Victoria sell telegraphic and telephone stamps for the convenience of the public in paying for the transmission of telegrams and telephonic messages; and if so, how many denominations of such stamps are used?

Answer. There is no special stamp for the payment of telegraph or telephone charges. In this colony the same kind of stamp is used for postage, fee, and duty purposes; the denominations number 34 and range from 1 cent to $500. (See list forwarded.)

Question No. 16. What system has been adopted for accounting for the sale of telegraphic and telephonic stamps by the postal authorities and for the cancellation of such stamps?

Answer. A fixed advance is made to each postmaster, postmistress, or officer in charge, in proportion to the volume of business transacted at their respective offices. The money derived from the sale of stamps is banked daily, and then remittances are made at short intervals to the head office, on attached requisition forms, for other stamps to replenish their stock, each officer being required to have on hand either stamps or cash to the full amount of advance. When telegrams are handed in for transmission the amount of charge is ascertained and stamps to that value are purchased by the person tendering the message, who has to affix the stamps to the form. The latter are then canceled with the office date stamp, entered on a daily statement sheet, which is forwarded to the head office at the close of each day's business, together with all the transmitted telegrams, in order that the charges may be checked. Copies of the statement forms are forwarded.

Question No. 17. To how many words is the ordinary telegraphic or telephonic message restricted, and what is the charge for such messages?

Answer. There are no restrictions on the length of telegraphic messages. Prior to 1895 the minimum rate for private messages was 12 cents for six words and 2 cents for every additional word; but from the 15th of May of that year the rate has been 18 cents for nine words or under (signature and address not being included) and 2 cents for each additional word; but telephonic communications through a bureau are limited under the conditions specified in the following list of charges:

[Post-office act, 1890.]

SCALE OF CHARGES, TERMS, AND CONDITIONS UNDER WHICH TELEPHONE LINES, INSTRUMENTS, ETC., IN CONNECTION WITH THE VICTORIAN TELEPHONE EXCHANGES AND PRIVATE TELEPHONE LINES, INSTRUMENTS, ETC., IN THE COLONY OF VICTORIA WILL BE LEASED.

The governor in council has ordered that the following be the charges, terms, and conditions in the colony of Victoria under which exchange telephone lines, private telephone lines, instruments, etc., will be leased from the 1st October, 1897, and has canceled all previous regulations on the subject from such date:

TELEPHONE EXCHANGES.

Business rates.

	Per annum. £	s.	d.	
Melbourne—line of 1 mile or under, and 1 telephone, with service at exchange	9	0	0	$45.00
Suburban—line of 1 mile or under, and 1 telephone, with service at exchange	9	0	0	45.00
Country—line of 1 mile or under, and 1 telephone, with service at exchange	8	0	0	40.00

Private-residence rates.

Melbourne, suburban, and country—line of 1 mile or under, and 1 telephone, with service at exchange	5	0	0	25.00

Private lines.

Line only 1 mile or under	4	0	0	20.00
Each telephone set	2	0	0	10.00

Extra services.

Each additional half-mile or under	1	0	0	5.00
Extra telephone sets (without indicator)	2	0	0	10.00
Indicators, each	0	10	0	2.50
Battery bells, each	0	10	0	2.50
Magneto extension bells, each	0	10	0	2.50
Offices in same building, each (after first full rate), with instrument	3	0	0	15.00
Offices in same building, each (after first full rate), without instrument	2	0	0	10.00
Additional names in guide (maximum number allowed, 6), each	0	5	0	1.25

Special appliances as per agreement.

The above rates include attendance, adjustment, repairs, and renewals of instruments and batteries.

Mileage to be calculated radially from the exchange with which subscribers are connected, and in regard to extensions from starting point of such extensions, allowance, however, to be made for shortage on the main line.

Mileage of private lines to be calculated radially from starting point.

Rent to be charged from the 1st day of the month following the completion of the line.

First year's rent to be paid in advance; subsequent rent to be paid in advance yearly, half-yearly, or quarterly, at the option of the postmaster-general.

New exchange lines to be taken for at least one year.

New private lines, if within 3 miles of an exchange, to be taken for at least one year; if beyond 3 miles to be taken for three years, and under certain conditions by arrangement.

Lessees requiring their wires or instruments removed from one building or room to another, or to a different position in the same room, will be charged the net cost of labor and material expended on such removal.

If the removal involves an extension of line beyond the mileage paid for, the rental to be increased accordingly.

One calendar month's notice, in writing, must be given of intention to discontinue the use of a line.

PUBLIC BUREAUS.

Fees.

	£	s.	d.	
Three minutes' conversation on city, suburban, or country exchange lines	0	0	6	12½c.
Five minutes' conversation on trunk lines of 25 miles	0	0	6	12½c.
Five minutes' conversation on trunk lines of 50 miles	0	1	0	25 c.
Five minutes' conversation on trunk lines of 100 miles	0	1	6	37½c.
Fee for messenger's services within 1½ miles of bureau	0	0	6	12½c.
Fee for transmission of telegrams by telephone	0	0	6	12½c.

Subscribers to telephone exchanges may use the trunk lines when required by paying a toll fee for each connection of five minutes' duration or fraction thereof, provided a sum of money equal to their estimated requirements for, say, one month, be paid in advance. All accounts to be rendered monthly, reimbursements to be promptly made, and no connection to be made after notification that the advance has been exhausted.

No person to be allowed the use of the trunk line for more than five minutes consecutively if other applicants are waiting to use it, but if the line be disengaged an extension of time will be granted on payment of the additional fee for every five minutes or portion thereof.

In cases where the line may be engaged applications will be registered and connection will be made in the order of priority of application.

THOS. BRISBANE,
Acting Clerk of the Executive Council.

EXECUTIVE COUNCIL CHAMBER,
Melbourne, May 11, 1897.

Question No. 18. What is the general internal tariff for private telegrams and telephonic messages as regulated by the number of words and distances?

Question No. 19. What is the tariff for press telegrams and telephone messages?

These two questions are answered under question 1.

Question No. 20. What is the average number of words sent daily for the press?

Answer. No record is kept of the number of words sent daily for the press, but it is estimated at about 35,000 words per diem.

Question No. 21. What is the annual value of the work performed by the telegraphs and telephones and postal savings banks?

Answer. The annual value of the work performed by the telegraphs and telephones could not be estimated (apart from the revenue derived, which was shown previously), as the department transacts all postal and telegraph business in connection with all the other government departments without making any charge Since October 1, 1897, the post-office savings banks have ceased to exist in connection with the post-office, the business having been transferred to a savings bank worked under commissioners. A copy of the act under which this transfer was made is being forwarded.

JOHN P. BRAY, *Consul-General.*

UNITED STATES CONSULATE-GENERAL,
Melbourne, Australia, February 10, 1898.

The act referred to contains the following provisions:

DIVISION 2.—*Savings banks department.*

SEC. 16. (1) The due repayment of all sums deposited, or which may be deposited, with the commissioners or in any savings bank established by the commissioners, or which are by this act transferred to the commissioners or declared to be deemed to have been deposited with the commissioners, with all interest thereon, shall be a charge upon the funds of the commissioners under the principal act and under this division of this part of this act, and such repayment is hereby guaranteed by the Government of Victoria, and such sum as the treasurer may at any time, and from time to time, under his hand, certify to be necessary to secure such repayment is hereby appropriated accordingly out of the consolidated revenue.

(2) Such charge shall not in any way attach to or affect any of the securities upon which such funds are invested.

SEC. 17. After the thirtieth day of September, one thousand eight hundred and ninety-seven, no further moneys shall be received by the postmaster-general under the provisions of Part IV of the post-office act, 1890.

SEC. 18. On the thirtieth day of September, one thousand eight hundred and ninety-seven, the post-office savings bank shall be, and the same is hereby, amalgamated with the commissioners' savings banks as one institution.

SEC. 19. (1) The commissioners of audit shall certify the total amount of principal money and interest, respectively, standing to the credit of the whole of the depositors in the post-office savings bank on the thirtieth day of September, one thousand eight hundred and ninety-seven, and such amount is hereby transferred to the commissioners.

(2) The treasurer is hereby authorized and shall pay to the commissioners out of the consolidated revenue which is hereby appropriated for that purpose the total amount of such interest, and such principal money shall be payable by the Government of Victoria to the commissioners, as hereafter provided.

(3) For such principal money the treasurer shall make out and issue treasury bonds in such form and payable at such dates as may be prescribed, and each bond shall be for the sum of one hundred pounds or some multiple or fraction thereof or such other sum as may be prescribed. For the moneys deposited by the commissioners in the treasury at Melbourne the treasurer shall make out and issue the like treasury bonds.

(4) All such treasury bonds shall be signed by the treasurer or by some other person in that behalf appointed by the governor in council, who shall sign on behalf of the said treasurer, and such bonds shall be registered in the office of the commissioners of audit and shall be numbered arithmetically, beginning with the number one and so proceeding in arithmetical progression whereof the common difference shall be one.

(5) All such bonds shall bear date on the first day of October, one thousand eight hundred and ninety-seven, and shall bear interest, payable half-yearly, at a rate not exceeding four pounds per centum per annum in respect of the amount of money mentioned therein.

(6) Every such bond shall be payable to the bearer thereof and shall pass by delivery only and without any assignment or indorsement; and the bearer of every such bond shall have the same rights and remedies as if he were expressly named therein.

(7) The principal money and interest mentioned in such bonds shall be chargeable upon and payable out of the consolidated revenue of Victoria, which is hereby appropriated for that purpose.

(8) The treasurer shall deliver the said bonds to trustees consisting of the treasurer, the speaker of the legislative assembly, and the members of the committee of public accounts for the time being, to be by them disposed of only as hereinafter provided. The words "members of the committee of public accounts" shall mean the persons from time to time appointed by the legislative assembly as members of that committee, and they shall continue to be and act as trustees until the legislative assembly appoints another committee, notwithstanding that Parliament may not be sitting or that the committee may have ceased to be in existence.

(9) The treasurer shall be the chairman of such trustees and shall convene and when present preside at all meetings of the trustees, and the decision of any five of the trustees present at any meeting shall be deemed to be the decision of the trustees. If the treasurer is not present at any meeting of the trustees then some other responsible minister shall preside at that meeting, and the minister so presiding shall have the like powers as the treasurer would have had if he were presiding.

(10) The treasurer shall from time to time, out of the consolidated revenue, pay to the commissioners such sums as Parliament may provide for the purpose of paying off the principal money for the time being payable to the commissioners and the

money so deposited as aforesaid, and upon each such payment the trustees shall deliver to the treasurer bonds for an amount equal to such payment.

(11) As soon as the commissioners shall have received, either by such payments or the proceeds of any bonds sold as hereafter provided, the total amount of the said principal money and the moneys deposited as aforesaid, the trustees shall return to the treasurer all bonds remaining in their possession.

(12) Upon a resolution passed by such trustees, at the written request of the commissioners and upon the certificate of the commissioners of audit that it is advisable so to do, and with the approval of the governor in council, but not otherwise, the treasurer shall from time to time cause so many of the said bonds as may be necessary to be sold, under such regulations, at such times and places, on such conditions, and in such manner as the governor in council may direct, and shall pay the net proceeds thereof to the commissioners in part payment of the debt due to them, as hereinbefore mentioned, or on account of such deposited moneys, as the case may be.

(13) Such bonds shall not be deemed to be issued until the date of the sale thereof, which date shall be entered upon the face of each bond, and notwithstanding anything hereinbefore in this part contained, interest shall begin to run and be payable only from such date, and the rate of such interest shall be fixed by the governor in council and entered on the face of such bonds; and such entries shall be signed by the treasurer prior to such sale, and no such bond shall be of any validity in the hands of any person other than the trustees until such entries shall have been made and signed; and until such issue such bonds shall be deposited for safe-keeping in such place, under such regulations, and in the charge of such persons as the trustees shall direct.

(14) Until the treasurer has fully paid to the commissioners the total amount of the said principal money the treasurer shall, out of the consolidated revenue which is hereby appropriated for that purpose, pay to the commissioners interest on so much of such principal money as may be unpaid to such an amount as the commissioners of audit shall certify to be reasonably sufficient to reimburse the commissioners all interest which they have to pay to depositors in respect of the principal money so transferred to the commissioners, which shall from time to time be payable to the commissioners and as may be approved by the governor in council; and in calculating such amount the commissioners of audit shall take into consideration such portion of such principal money as would not bear any interest if still remaining in the Post-Office Savings Bank.

(15) On all moneys deposited before or after the commencement of this act in the treasury at Melbourne by the commissioners, the treasurer shall, out of the consolidated revenue which is hereby appropriated for that purpose, pay to the commissioners interest at such rate per centum per annum as may from time to time be agreed upon by the treasurer and the commissioners and approved by the governor in council: Provided, That should any of the bonds issued by the treasurer in respect of the moneys so deposited be sold then the interest on the net proceeds thereof shall thereupon cease.

(16) The treasurer shall also deliver to such trustees all deposit receipts belonging to the commissioners deposited in the treasury at Melbourne, to be held by the trustees and to be dealt with or disposed of and the proceeds applied as may from time to time be agreed upon by the treasurer and the commissioners and approved by the governor in council.

(17) Until such bonds and deposit receipts shall have been sold, returned, dealt with, or disposed of, as hereinbefore provided, the same shall be held by the trustees as a security for the guarantee hereinbefore contained as well as for the due payment of the principal moneys and deposited moneys hereinbefore mentioned.

(18) For a period of five years from the commencement of this act the treasurer shall annually pay to the commissioners, out of the consolidated revenue which is hereby appropriated for the purpose, such sums as the commissioners of audit may certify to be reasonably sufficient to reimburse the commissioners the extra working expenses which they may have to pay in consequence of the amalgamation made by this part of this act.

(19) Until the treasurer shall make out and issue the treasury bonds hereinbefore mentioned he shall make out and issue certificates showing the amount of money hereby transferred and the amount of such deposited moneys, respectively, in such form as may be prescribed, and shall deliver such certificates to such trustees, who shall hold the same upon the like terms and conditions as are hereinbefore declared with regard to such bonds; and upon the payment of any money by the treasurer or the delivery to the trustees of any bonds, the fact of such payment or delivery shall be indorsed upon such certificates, respectively, and signed by the treasurer.

SEC. 20. Interest due and payable to each depositor under the post-office act, 1890, shall be calculated up to and inclusive of the thirtieth day of September, one thousand eight hundred and ninety-seven, and added to the principal money of the

deposit standing to his credit on that day; and the amount of such principal money and interest shall be deemed to have been deposited with the commissioners under the principal act by each depositor on the first day of October, one thousand eight hundred and ninety-seven, and such principal money and interest shall be shown separately in the savings bank book to be issued as hereafter provided, and the rights of each depositor shall be the same as if he had deposited such sum on such day under the said last-mentioned act.

SEC. 21. (1) Every depositor as aforesaid shall be entitled to obtain from the commissioners a savings bank book on giving up his post-office savings bank deposit book.

(2) In the meantime, and until such savings bank book is prepared, such depositor shall be entitled to add to his deposit or withdraw any part thereof as if he had obtained such savings bank book, and the entries of all such transactions shall be entered in his post-office savings bank deposit book in such manner as to distinguish the entries relating thereto from entries of transactions prior to the said first day of October, one thousand eight hundred and ninety-seven.

SEC. 22. The book to be obtained by each depositor as aforesaid shall contain an entry of the transferred deposit as made on the first day of October, one thousand eight hundred and ninety-seven, and all subsequent entries relating thereto up to the date of the delivery thereof to the depositor, and interest shall be calculated on the transferred deposit commencing on the first day of October, one thousand eight hundred and ninety-seven, subject to the same limitations as to the amount bearing interest and otherwise as other deposits under the principal act.

SEC. 23. If any depositor whose deposit is transferred by virtue of this act is at the time of such transfer a depositor in the commissioners' savings banks he shall, notwithstanding anything in the principal act or any general or other order or rule to the contrary, be entitled to continue such transferred deposit as a separate account, but shall not be entitled to interest in respect thereof on any greater sum than the principal money so transferred.

SEC. 24. Every entry in acknowledgment of accountability for a transferred deposit to be made in any depositor's book, or in any book under the control of the commissioners, shall be so made as to distinguish such deposit from a cash deposit under the principal act.

SEC. 25. Notwithstanding anything contained in the principal act, the moneys of the commissioners in their possession at the commencement of this act or thereafter received by them and the amount transferred to them or declared to be deemed to have been deposited with them by this division of this part of this act (except moneys accruing under division 3 of this part of this act) shall be invested and maintained by the commissioners as nearly as may be as follows, namely:

(*a*) A sum not exceeding one-tenth part of such moneys shall be deposited or kept in banks which are constituted bankers of the Government, or if there is no such bank then in any bank approved by the commissioners of audit or be retained in cash;

(*b*) A portion not exceeding three-tenths of the balance thereof may be invested in loans under the principal act upon security by way of mortgage of any lands and hereditaments held in fee simple in Victoria, or in loans to the corporations of the city of Melbourne and town of Geelong, or to any shire, city, town, or borough, under the principal act, or in property acquired by foreclosure, or in bank premises;

(*c*) A portion, being as nearly as possible seven-tenths of such balance thereof, shall be invested or kept in Victorian government stock debentures, treasury bonds, treasury bills, or mortgage bonds issued under division 3 of this part of this act, or municipal debentures or debentures issued by the Melbourne and metropolitan board of works, or deposited in the treasury at Melbourne. Treasury bonds shall include the certificates to be made out and issued by the treasurer as hereinbefore mentioned;

(*d*) All mortgage bonds issued under division 3 of this part of this act and in which the commissioners invest pursuant to the provisions of this section shall, for the purposes and by virtue of this act and without any further or other authority, be vested in the commissioners of audit for the time being, who shall nevertheless, in relation to such mortgage bonds and all matters connected therewith, comply with the request and directions of the commissioners.

SEC. 26. (1) It shall not be lawful for the commissioners to lend money to any commissioner, or any trustee of any savings bank, or any officer or servant of the commissioners or of the trustees of any savings bank, or to any company or society in or of which any such commissioner or any such trustee is a director or member of the committee of management, or to any firm of which any commissioner, or any such trustee, officer, or servant is a member.

(2) No commissioner or trustee of any savings bank, or officer or servant of the commissioners or of such trustees, shall directly or indirectly borrow any of the funds of the commissioners.

(3) Any commissioner, or any such trustee, officer, or servant, knowingly contravening the provisions of this section shall be guilty of a misdemeanour.

(4) Nothing in this section shall prevent the commissioners from depositing money in any bank which is constituted a banker of the government, or if there is no such bank, then in any bank approved by the commissioners of audit.

SEC. 27. Notwithstanding anything contained in section thirty-two of the principal act, it shall not be lawful for the commissioners—

(*a*) To lend to any one person or firm of persons or company or society a greater sum than fifteen thousand pounds ($75,000) in the whole where the security consists of agricultural or pastoral land, or a greater sum than eight thousand pounds ($40,000) in the whole where the security does not consist of agricultural or pastoral land; and nothing herein contained shall empower the commissioners to lend to any one person or firm of persons or company more than fifteen thousand pounds in the whole; but this provision shall not apply to renewals or extensions of time in respect of any loan made before the commencement of this act; or

(*b*) To lend upon security of mortgage of any lands and hereditaments held in fee simple more than three-fifths of the value of such lands and hereditaments if the said lands be agricultural or pastoral land, or more than one-half of the value thereof if the same be not agricultural or pastoral land.

SEC. 28. Rates or moneys which by any act are declared to be or to remain a charge or a first charge on any land, or to be recoverable by the taking possession of or leasing of such land by order of the Supreme Court, or otherwise, shall not be deemed "prior charges and incumbrances" thereon within the meaning of section thirty-two of the principal act, but the liability to pay such rates or moneys as they become due shall be taken into consideration in ascertaining and determining the value of such land.

SEC. 29. The accounts of friendly societies in the savings bank may be drawn upon by cheque, in such form and subject to such conditions as the commissioners may direct.

DIVISION 3.—*Advances department.*

SEC. 30. (1) The commissioners may from time to time make out and issue mortgage bonds which shall be in the form set out in the first schedule to this act, or to the like effect.

(2) The total sum for which bonds may be so issued shall not at any time exceed by more than the sum of twenty-five thousand pounds the whole amount of the money advanced by the commissioners pursuant to this division of this part of this act and from time to time unpaid to the commissioners, nor shall the total sum for which mortgage bonds may be issued at any time exceed two million pounds, except as hereinafter provided.

(3) All mortgage bonds shall bear date on the day of issuing thereof and shall be numbered arithmetically, beginning with the number one and so proceeding in an arithmetical progression, whereof the common difference shall be one; and the commissioners may issue such bonds in different series, according to the rate of interest payable thereon, and each such series shall be so numbered and shall have a distinguishing letter.

(4) All mortgage bonds shall be signed by any two commissioners and sealed with the common seal of the commissioners, and shall be countersigned by the treasurer or by some other person in that behalf appointed by the governor in council, who shall sign on behalf of the said treasurer; and all such bonds shall be registered in the office of the commissioners of audit.

(5) The treasurer or such person shall not sign any such bond until the commissioners of audit have certified in writing that the issuing thereof is in conformity with and within the provisions of this section.

(6) Every mortgage bond shall be for the sum of twenty-five pounds, and shall bear interest at a rate not exceeding three pounds and ten shillings per centum per annum, payable half yearly on the last day of April and the last day of October during the currency thereof.

(7) Every mortgage bond shall be payable to the bearer thereof, and shall pass by delivery only and without any assignment or indorsement; and the bearer of every such mortgage bond shall have the same rights and remedies as if he were expressly named therein.

(8) Every mortgage bond issued by the commissioners, signed, sealed, and countersigned as aforesaid, shall be good and valid as against the commissioners, notwithstanding that any of the requirements of this division of this part of this act may not have been complied with.

(9) Notwithstanding anything in this division of this part of this act the commissioners may from time to time issue mortgage bonds and apply the proceeds thereof for the purpose of redeeming mortgage bonds theretofore issued by them

bearing a higher rate of interest; but if the amount of the bonds proposed to be s issued, together with the bonds then outstanding, would exceed the sum of tw million pounds hereinbefore mentioned, such bonds shall not be issued without th approval of the governor in council.

(10) Mortgage bonds issued under this division of this part of this act shall not b liable to any stamp or other duty.

SEC. 31. (1) The due payment of all mortgage bonds and of all interest thereo shall be a charge on all the securities held by and the funds of the commissioner under this division of this part of this act, and is hereby guaranteed by the govern ment of Victoria, and such sum as the treasurer may at any time, and from time t time, under his hand, certify to be necessary to secure such payment, is hereb appropriated accordingly out of the consolidated revenue.

(2) Such charge shall not in any way prejudice or affect the rights or powers o the commissioners to reconvey, release, or discharge any of such securities, or th properties comprised in any security, or to sell such properties, or to convey o transfer such properties to any person, or to foreclose such securities or properties, o to deal with or dispose of the same as such commissioners deem proper.

SEC. 33. The commissioners may at such times and places in Victoria, in suc sums, on such conditions, and in such manner as may respectively be approved by th governor in council, sell by tender all mortgage bonds issued under the authority o this division of this part of this act at prices not less than the par face value thereo

SEC. 34. Any mortgage bond may be redeemed by the commissioners at par fac value, in the manner hereinafter provided, on any day appointed for the payment o interest thereon.

SEC. 35. All moneys received by the commissioners in repayment of principa money, and the proceeds of all bonds sold by the commissioners for that purpose shall be applied to the redemption of mortgage bonds in the following manner:

(*a*) The mortgage bonds shall be redeemed by half-yearly drawings by ballot.

(*b*) A day shall be appointed by the commissioners for the said drawing, of whic not less than one month's notice shall be given by advertisement in the Governmen Gazette and in two newspapers published in Melbourne, and the said notice shal specify the day on which, and the hour and place at which, the drawing will tak place, and the nominal value of the mortgage bonds to be redeemed at that drawing

(*c*) On the day and at the hour and place so specified the commissioners shall, i the presence of any mortgage-bond holders who may think fit to attend, draw b lot out of the whole number of mortgage bonds that have been issued, and hav not been redeemed or repurchased by the commissioners, or received in repaymen of advances as hereafter provided, mortgage bonds of the nominal value specifie in the said notice.

(*d*) The commissioners shall thereupon declare the distinguishing numbers of th mortgage bonds drawn for redemption, and shall as soon as possible give notic thereof in the Government Gazette and in two newspapers published in Melbourne and the principal money secured by the said mortgage bonds so distinguished together with the interest due thereon, shall be payable on demand to the holder thereof on the next day on which interest is payable on such mortgage bonds, bein at least six months after the date of such drawing, and such day shall be specifie in such notice.

(*e*) After the day specified in any such notice as the day when any mortgage bon will be redeemed no further interest shall accrue to the holder of such bond.

(*f*) Any such principal money or interest which remains unclaimed in the hand of the commissioners shall be dealt with in the same way as if such commissioner were officers of the public service, and as if such principal money and interest ha come into their control for or on account of or for the use or benefit of the holde of such mortgage bond.

SEC. 36. Any corporate body, charitable or friendly society may invest any portio of the funds or moneys under their control in the purchase of mortgage bonds, an any executors, administrators, or trustees having the power or duty of investing an moneys may purchase with or out of such moneys (unless forbidden to do so by th act or instrument under which they act or unless some particular mode of invest ment is thereby described) any mortgage bonds, and every such investment an purchase shall be deemed a due investment of any such funds or moneys.

SEC. 37. All moneys arising from the sale of mortgage bonds shall be applicabl by the commissioners for the purposes of making advances under this division o this part of this act or for the purpose of redeeming other bonds (as the case may be)

SEC. 38. (1) In order to assist farmers, graziers, market gardeners, or person employed in agricultural, horticultural, viticultural, or pastoral pursuits, the com missioners, if they think fit, may make advances either by instalments or otherwis upon the security of any agricultural, horticultural, viticultural, or pastoral lan held by any such person—

(*a*) In fee simple; or

(*b*) Under a lease from the Crown, in which the rent reserved is taken by the Crown in part payment of the purchase money of the land demised by such lease.

(2) Such advances may be made either in cash or mortgage bonds at par face value at the option of the commissioners.

SEC. 39. (1) The amount of the advance which may be so made on any such land shall not exceed in the case of land held in fee simple or under lease as aforesaid two-thirds of the actual value of such land at the time of the advance.

(2) In the case of land held under lease as aforesaid, such two-thirds value shall be reduced by the amount of all rent payable to the Crown in respect of such land previous to the issue of a Crown grant for such land, and the amount advanced shall not, except as provided in the next subsection, exceed such reduced amount.

(3) In the case of land held under lease as aforesaid, if the person appointed by the commissioners as valuator thereof certify that there are improvements on such land to a value of at least one pound per acre, and that such improvements are, in the judgment of the valuator, of a kind which increase the productive power of such land, and that the value of such land and improvements exceeds two pounds per acre, then the commissioners, notwithstanding the restriction in the preceding subsection, may make an advance not exceeding fifteen shillings for every acre so improved; but nothing contained in this subsection shall restrict the power of the commissioners to make an advance to a larger amount under the previous subsections.

(4) In the case of land which has acquired a special increase of value by reason of being cultivated as vineyards, hop grounds, orchards, fruit-growing plantations, or for other purposes, the advances may be made thereon on the terms following:

(*a*) The total amount which may at any time be advanced upon any such land shall not exceed one hundred thousand pounds in the whole.

(*b*) The amount of the two-thirds of the actual value which, under the provisions herein before in this section contained, may be advanced on the land offered as security for the advance may be increased by one-fourth of such special increase of value as ascertained and certified by the valuator, as hereafter provided, and the advance may be made for such amount as the commissioners think fit, not exceeding such increased amount, provided that in no case shall such special increase of the value of the land be considered for the purposes of such advance as greater than thirty pounds per acre.

(*c*) Any compensation payable under the vine disease act, 1890, or any act amending the same, to any borrower who has obtained an advance in respect of the vineyard in relation to which such compensation is payable, shall be paid to the commissioners and shall be dealt with by them as if the amount thereof had been paid by the borrower on account of the principal money payable by him.

(*d*) No such advance shall be granted for a longer period than fifteen years.

(*e*) The commissioners shall prepare, in like manner as hereafter mentioned, the necessary tables for the repayment of such advance and the interest thereon.

(5) It shall not be lawful for the commissioners to advance to any one person or firm of persons a smaller sum than fifty pounds ($250) or a greater sum than two thousands pounds ($10,000) in the whole.

(6) It shall not be lawful for the commissioners to make any advance to any company or society, or to any commissioner, or to any trustee of any savings bank, or to any officer or servant of the commissioners or of the trustees of any savings bank, or to any firm of which any commissioner, trustee, officer, or servant is a member, and no commissioner or trustee of any savings bank, or any officer or servant of the commissioners or of such trustees shall, directly or indirectly, obtain an advance out of the funds of the commissioners, and any commissioner or any such trustee, officer, or servant knowingly contravening any of the provisions of this subsection shall be guilty of a misdemeanour.

(7) All applications for advances under five hundred pounds ($2,500) shall have priority over those of a larger amount.

(8) No advance shall be made by the commissioners except for all or any of the following purposes, which shall be set out in the mortgage:

(*a*) To pay off liabilities already existing on such land;

(*b*) To pay off any money owing to the crown in respect of such land; or

(*c*) To make improvements on or to improve and develop or to utilize the agricultural, horticultural, viticultural, or pastoral resources of such land, or to enable the borrower to carry on agricultural, horticultural, viticultural, or pastoral pursuits on such land.

(9) No person shall apply any portion of any such advance for any other than such purposes, and if any person is guilty of a contravention of this subsection the commissioners may cause his estate and interest in the land to be sold.

SEC. 40. (1) The repayment of every advance, together with all interest and other moneys incidental to such advance, or properly chargeable against the borrower in respect thereof, shall be secured when the land is under the *transfer of land act*, 1890, by an instrument of mortgage duly registered under that act, and when the land is

under the general law by a deed of mortgage or further charge duly registered in the office of the registrar-general. Such instrument or deed shall be expressed to be made between the registered proprietor or owner of the land and the commissioners and their successors, and shall be in such form and contain such powers, covenants, provisions, conditions, and clauses as the commissioners shall deem necessary.

(2) No such advance shall be made by the commissioners upon the security of any mortgage that is not a first mortgage over all the premises comprised therein, except in cases where the commissioners already hold a first mortgage under this division of this part of this act over the said premises, in which case they shall be at liberty to make a further advance upon the security of a further charge upon the said premises.

(3) No advance shall be actually paid to the person applying therefor until two of the commissioners shall have certified under their hands that they are satisfied with and have accepted the title of such applicant to the premises comprised in the security tendered, and shall have accepted from him, by way of security for such advance, an instrument or deed of mortgage or further charge approved by them and executed by such applicant.

(4) The borrower shall be required to pay the fees out of pocket in relation to such mortgage or further charge and any release thereof, but no legal charges in connexion therewith.

SEC. 41. (1) Every such advance, with interest thereon at the rate of four pounds and ten shillings (4½) per centum per annum, shall be repaid to the commissioners by sixty-three half-yearly payments (all being of an equal amount except the last), or such lesser number as the commissioners and the borrower may in each case agree upon, and such payments shall be made on the last day of March and the last day of September in each year.

(2) Every such half-yearly payment shall consist partly of principal money and partly of interest, but no half-yearly payment (except the last) shall be at a rate of less than three pounds for every hundred pounds of such advance.

(3) The commissioners shall prepare tables showing how much of each and every half-yearly payment is a repayment on account of principal money and how much thereof is for interest.

(4) Every such table shall also show what balance of principal money is owing by the borrower at each half-yearly payment.

(5) Every such table shall be prepared in the form of the tables in the second schedule to this act, which shall be deemed to have been prepared pursuant to subsection (3) of this section.

(6) Any borrower who is not in arrear with any half-yearly payment may, on any day fixed for the payment by him of interest, pay off the whole or any portion (being five pounds ($25) or some multiple of five pounds) of the advance made to him by paying the commissioners, either in cash or mortgage bonds, the balance of principal money owing by him (as fixed by the said tables), or such portion thereof as aforesaid. Such mortgage bonds shall be so received by the commissioners at their par face value.

(7) Where portion only of such advance is so repaid such payment shall not affect the half-yearly payments or the obligations of the borrower in respect thereof, and the commissioners shall place the amounts from time to time so repaid to the credit of the borrower in their books, and shall also, on the thirtieth day of June in each year, credit the borrower with interest on the amounts so repaid by him at the rate of three pounds and ten shillings (3½) per centum per annum. When the moneys standing to the credit of such account for moneys so repaid and interest thereon amount to a sum sufficient to repay the balance of the advance then unpaid according to the said tables the commissioners shall apply such moneys for such purpose and release the borrower and the land mortgaged from all claims and demands in respect of such advance.

(8) The term during which all half-yearly payments shall be made shall be computed from the last day of March or the last day of September next after the day on which the advance is made, and such apportionment (if any) as may be necessary shall be made in respect of the last of such payments. For any period between the date when the advance is made and the day on which the term is to commence interest shall be charged at the rate of four pounds and ten shillings (4½) per centum per annum, and shall be payable on the last day of March or the last day of September next after the day on which the advance is made.

(9) It shall be the duty of the commissioners to require punctual payment of all half-yearly payments of principal money and interest, and they shall charge every borrower who is more than fourteen days in arrear with any half-yearly payment interest at the rate of six pounds per centum per annum on the whole amount in arrear from the due date thereof, and if any borrower shall at any time be four half-yearly payments in arrear the commissioners shall thereupon proceed to realize or foreclose the security held by them, provided that nothing herein contained shall restrict the

right of the commissioners to realize or foreclose the security at an earlier date if they so desire.

SEC. 42. As between the commissioners and the owner or lessee for the time being of any land on which the commissioners have made an advance, the following conditions shall be imposed so long as such land is subject to any mortgage in favour of the commissioners, namely:

(*a*) Such land shall not nor shall any part thereof be subdivided, transferred, assigned, let, or sublet by such owner or lessee without the previous written consent of the commissioners.

(*b*) Where the owner or lessee subdivides, transfers, assigns, lets, or sublets such land or any part thereof in contravention of the foregoing provision of this section, such subdivision, transfer, assignment, letting, or subletting shall be void and the commissioners may cause his estate and interest in such land to be sold.

(*c*) Where the owner or lessee of any such land becomes insolvent the commissioners may cause his estate and interest therein to be sold, notwithstanding anything in any act to the contrary.

(*d*) Where, on the decease of the owner or lessee, such land would, by reason of any devise, bequest, intestacy, or otherwise, become subdivided, the commissioners may require the estate and interest in such land to be sold or conveyed or transferred, within two years after the death of the owner or lessee, to some one person or to some persons as joint owners; and if default is made in selling or conveying or transferring the same the commissioners may cause the same to be sold.

SEC. 43. (1) The commissioners shall as soon as practicable, until they can redeem mortgage bonds as provided in this division of this part of this act, invest the payments received by them in repayment of advances in the purchase of any Victorian Government stock debentures, treasury bonds, or treasury bills, or (at prices not exceeding the par face value thereof) mortgage bonds.

(2) The commissioners may at any time sell, at prices not less than the par face value thereof, any Victorian Government stock debentures, treasury bonds, or treasury bills so purchased, and apply the proceeds thereof for the purpose of redeeming or purchasing mortgage bonds.

SEC. 44. All mortgage bonds when purchased or redeemed by the commissioners or received by them in repayment of advances, shall be forthwith cancelled by the commissioners and the commissioners of audit, and shall be filed by the commissioners, and shall not be resold or reissued under any pretence or circumstance whatever.

SEC. 45. (1) The commissioners shall, as soon as possible after the thirtieth day of June in each year, set apart the whole of the net profits (including premiums received from the sale of mortgage bonds and profit made by the purchase of any bonds under their par face value) made by the commissioners on transactions under this division of this part of this act towards the establishment of a reserve fund for the purpose of meeting any loss or deficiency which may occur on any transaction under this division of this part of this act, and such reserve fund shall be applied by the commissioners so far as it will extend in making good any such loss or deficiency.

(2) Such net profits shall be annually ascertained and fixed by the auditors or by the commissioners of audit, who shall make all just allowances in so doing.

(3) Such profits shall from time to time until required be invested by the commissioners in the manner in which repayments may be invested, and the interest derived therefrom added to such reserve fund.

SEC. 46. (1) The commissioners shall from time to time appoint such valuators as they may consider necessary for the purposes of this division of this part of this act, and may at any time remove any valuator from office.

(2) No person shall be eligible for the position of valuator unless he can satisfy the commissioners that he possesses all the skill, intelligence, and experience necessary to constitute him a thorough judge of land and land values and that he is in every way qualified to fairly and accurately appraise the actual value of such properties as may be submitted to him for report.

(3) When appraising the actual value of any property the valuator shall carefully consider its clear rental value utilized for pastoral or agricultural purposes in average seasons and markets, having due regard to depreciation where necessary, and the cost of such artificial fertilizers as may be necessary to prevent appreciable depreciation in the quality and value of the land.

(4) The total appraised actual value of such property shall in no case exceed—

(*a*) Twenty-five times the clear annual rental value of the land, if such value be computed on the land being used exclusively for pastoral purposes; nor

(*b*) Twenty times the clear annual rental value of the land, if such value be computed on the land being used for agricultural purposes.

(5) In the case of land which has acquired a special increase of value by reason of being cultivated as vineyards, hop grounds, orchards, fruit-growing plantations, or for other like purposes, the value of such land shall be based upon its clear rental value if utilized for the production of ordinary cereal pulse or root crops or for

pastoral purposes, and in such case the valuator shall also ascertain and certify the amount of such special increase of value, not exceeding the amount by which the actual market value of such land has been increased by reason of its having been so cultivated.

(6) Every valuator's report on any property shall be verified by his signature and statutory declaration, and shall with regard to such property set forth—

The date of inspection;

Area and technical description of the property;

Full particulars of soils and purposes for which they are best suited;

How watered;

Particulars and condition of improvements;

Name of and distance from nearest railway station;

Purposes for which land being used;

Amount of municipal valuation during last three years;

Nature, condition, and value of improvements;

Value of land, exclusive of improvements;

The special increase of the value of the land by reason of its having been cultivated, as mentioned in subsection (5) of this section, and the estimated clear annual rental of the land as so cultivated;

Total value of land and improvements;

Statement showing how value computed; and

Such other particulars as the commissioners may require.

(7) Every application shall contain the following particulars:

The name, address, and occupation of applicant;

Amount of advance required and proposed rate of annual repayments;

Purposes for which the money is required;

Full particulars of security, including locality, area, nature of title, nature and extent of any existing encumbrance, description of soil, nature, condition, and value of improvements on, and the name of and distance of property from nearest railway station;

Area usually under cultivation, number and description of stock depastured;

Amounts of municipal valuations during last three years;

Owner's estimate of value; and

Such other particulars as the commissioners may require.

(8) Such valuation shall not be made by the valuator until the inspector-general certifies on the application that in his opinion it is likely that such application will be granted; and before giving such certificate the inspector-general may submit such application to the trustees of the savings bank (if any) in the locality where the property offered as security is situated for their report thereon.

(9) Every such valuator, before he enters on the duties of his office, shall make and subscribe before the executive council such declaration as may be prescribed for faithfully, impartially, and truly performing his duties as valuator to the best of his skill and ability.

(10) Such valuator shall be paid only such salary and allowances as the commissioners may from time to time fix.

(11) No valuator shall value any property offered as a security for an advance in which such valuator or his wife, employer, or partner, or any relation by blood or marriage, is directly or indirectly interested.

SEC. 47. (1) Within three days after the last day of each month from and after the first issue of any mortgage bonds the commissioners shall prepare a statement of the number and amount of mortgage bonds made and issued and the amount received therefor, the amount of mortgage bonds purchased, received, or redeemed, the amount of advances made, and the amount of money in hand, and such further particulars as may be prescribed; and such statement shall be signed by two of the commissioners, and shall be countersigned by the inspector-general and by the auditors, or by one of the commissioners of audit, and shall be published in the Government Gazette.

(2) Such statement shall be prepared in such form as to show the required particulars for such month, as well as the totals of such particulars, respectively.

SEC. 48. (1) The commissioners shall keep, render, make, and publish all such books, accounts, records, returns, declarations, and statements as the commissioners shall think necessary or as shall be prescribed.

(2) The commissioners shall forthwith post up, at the office of the commissioners in Melbourne, copies of all the accounts, returns, and statements referred to in this and the preceding section, and keep the same posted up until the next account return or statement of a like nature is so posted up.

SEC. 49. Any person who—

(1) Forges, fabricates, or counterfeits, wholly or in part, any paper writing or instrument purporting to be a treasury bill or bond or mortgage bond issued under or according to this act; or

(2) Forges, counterfeits, alters, adds to, obliterates, or wilfully mutilates or defaces any word, letter, signature, facsimile, or figure in or upon any treasury bill or bond, mortgage bond or instrument; or

(3) Unlawfully or without proper authority (the proof whereof shall lie on the person accused) fills up with any word, letter, signature, facsimile, or figure any blank space in or upon any such treasury bill or bond, mortgage bond or instrument, whether issued or not, and whether wholly or partly made under this act; or

(4) Offers, utters, disposes of, passes, or negotiates, or attempts to offer, utter, dispose of, pass, or negotiate any such forged, fabricated, counterfeited, altered, added to, obliterated, wilfully mutilated or defaced or filled-up treasury bill or bond, mortgage bond or instrument as aforesaid, knowing the same to be so—

shall be guilty of felony, and on conviction thereof shall be punished accordingly.

SEC. 50. (1) Every officer, servant, valuator, or person wholly or partly employed by the commissioners or by the trustees of any savings bank who directly or indirectly takes any fee, consideration, remuneration, gift, or reward of any description whatever in respect of any loan or advance under this act, except such as he is entitled to take under this act, shall be dismissed from his office and be liable, on conviction, to imprisonment for any term not exceeding six months.

(2) Every person who—

(*a*) Having any pecuniary interest in any land tendered as security for a loan or advance under this act; or

(*b*) Being the husband, partner, employer, or any relation by blood or marriage of the applicant for a loan or advance—

knowingly acts as valuator in connexion with such land or loan or advance, or knowingly sits and votes at any meeting of the commissioners upon any resolution having reference to such applicant, land, or loan or advance, shall be liable, on conviction, to a penalty not exceeding one hundred pounds, and shall also be dismissed from his office.

(3) Every person who, in respect of any loan or advance, or application for any loan or advance, directly or indirectly bribes or attempts to bribe, or directly or indirectly corruptly influences or attempts to corruptly influence any person whomsoever, shall be liable, on conviction, to imprisonment for any period not exceeding two years.

SEC. 51. Any moneys payable to or by the commissioners on account of the savings banks or in repayment of advances, or on any account whatsoever, may be lodged with or paid by such postmasters as the postmaster-general may authorize, and the amount of such lodgments and payments shall be transferred by the postmaster-general to the credit of the commissioners, or reimbursed by the commissioners to the postmaster-general, as the commissioners and the postmaster-general may agree.

SEC. 52. The commissioners shall keep minutes of all their proceedings, and a true copy thereof, signed by the chairman of the meeting, shall be forwarded by the commissioners to the treasurer within three days after the meeting of which they are the minutes.

SEC. 53. (1) The commissioners of audit and the auditors appointed by the governor in council shall have full access to all the accounts, books, securities, documents, and papers belonging to the commissioners, and the commissioners shall at all times furnish to the commissioners of audit and such auditors all such information as they may require.

(2) The commissioners shall furnish the treasurer with all such reports, documents, papers, and minutes as may be required by Parliament or pursuant to any act or any order of either house of Parliament or as may be prescribed.

(3) The commissioners shall also furnish the treasurer with full information on all the business of the commissioners to enable answers to be made to all questions asked in Parliament or to enable the treasurer to furnish any returns required by Parliament or which he may himself require.

SEC. 54. All treasury bonds or bills made out, delivered, or issued under this act, after being paid off and discharged or returned to the treasurer, shall be by him cancelled and transmitted to the commissioners of audit, and shall be burned or otherwise destroyed in the presence of the commissioners of audit, who shall certify the fact of such destruction to the treasurer.

SEC. 55. (1) Where any treasury bond or bill issued under this act becomes spoiled or defaced the treasurer may, if he thinks fit, cause such bond or bill to be cancelled, and such cancelled bond or bill shall be filed in the treasury, and the treasurer may make out and issue to the holder of such bond or bill a new bond or bill bearing the same number, date, currency, principal sum, and rate of interest in substitution therefor, and such substituted bond or bill shall bear the same number and date as the spoiled or defaced bond or bill and shall be signed as in the case of original bonds or bills.

(2) Upon proof being made on oath before a judge of the supreme court by any credible person that any treasury bond or bill issued under this act and held by him,

the number and sum whereof shall be specified by him in his evidence, has been lost, burnt, or otherwise destroyed before the same shall have been paid off, and upon such judge certifying that he is satisfied with such proof, the treasurer may cause a new bond or bill to be made out at the treasury bearing the same number, date, currency, principal sum, and rate of interest as the bond or bill so lost, burnt, or destroyed, and to be delivered to the person who was the holder of the bond or bill so lost, burnt, or destroyed upon his giving sufficient security to the treasurer to indemnify the treasury against any double payment if the alleged lost, burnt, or destroyed bond or bill should thereafter be presented for payment.

SEC. 56. The commissioners of audit shall half yearly, on or as soon as practicable after the thirtieth day of June and the thirty-first day of December of each year, duly inspect, count, and audit the treasury bonds and bills made out or delivered under this act and which have not been issued, and shall make a special report of each such audit to the treasurer, and such report shall within fourteen days after the making thereof, if Parliament be sitting, and if Parliament be not sitting, then within fourteen days after the next sitting of Parliament, be laid before Parliament.

SEC. 57. Every penalty or fine payable in respect of any offence against the savings banks acts may be summarily recovered before a court of petty sessions.

SEC. 58. (1) The governor in council may make regulations not inconsistent with this act for the purpose of giving effect to any matters by this act required to be prescribed, and generally for the purpose of carrying the provisions of this act into effect.

(2) All such regulations shall be published in the Government Gazette, and when so published shall have the force of law and shall be judicially noticed, and shall be laid before both houses of Parliament within fourteen days after the same shall have been made, if Parliament be then sitting, and if not, then within ten days after the next meeting of Parliament.

FIRST SCHEDULE.

Number . Victoria.

[Savings banks act 1890, amendment act 1896.]

£25.

MORTGAGE BOND FOR ADVANCES ON LAND.

We, the commissioners of savings banks in the colony of Victoria, hereby acknowledge that the holder of this bond is the owner of funds in the said banks to the extent of twenty-five pounds, and that until the redemption of this bond by us we will at the head office of the commissioners of savings banks at Melbourne or at any savings bank on every last day of April and last day of October pay to the bearer of this bond interest on the said sum at the rate of per centum per annum.

The said sum and interest are by such act secured on all the securities held by and the funds of the commissioners under division three of Part I of the said act and also on the consolidated revenue of the colony of Victoria.

This bond is issued subject to the right of the commissioners to redeem it at any time as provided in and by the said act.

Given under the common seal of the commissioners of savings banks in the colony of Victoria, at Melbourne, this day of , 189 .

[L. S.]

——— ———,
Commissioners of Savings Banks.

Countersigned—

——— ———,
Treasurer of Victoria.

Registered at the audit office, Melbourne, in the register of mortgage bonds, folio , this day of , 189 .

——— ———,
A Commissioner of Audit.

SECOND SCHEDULE.

A.—*Half-yearly payments for every £100 ($500) at £6 ($30) per centum, namely, £3. ($22.50) per centum for interest and the balance in reduction of principal, such yearly payments beginning at expiration of first half-year.*

Half year.	Total payment for half year.			On account of interest at 4½ per cent.				On account of principal.				Balance of principal owing.			
	£	s.	d.	£	s.	d.		£	s.	d.		£	s.	d.	
.....	3	0	0				$15.00	2	5	0	$11.25	99	5	0	$496.25
.....	3	0	0				15.00	2	4	8	11.16	98	9	8	492.41
.....	3	0	0				15.00	2	4	4	11.08	97	14	0	488.50
.....	3	0	0				15.00	2	4	0	11.00	96	18	0	484.50
.....	3	0	0				15.00	2	3	7	11.89	96	1	7	480.39
.....	3	0	0				15 00	2	3	3	10.81	95	4	10	476.20
.....	3	0	0				15.00	2	2	10	10.70	94	7	8	471.91
.....	3	0	0				15.00	2	2	6	10.62	93	10	2	467.54
.....	3	0	0				15.00	2	2	1	10.52	92	12	3	463.06
.....	3	0	0				15.00	2	1	8	10.41	91	13	11	458.47
.....	3	0	0				15.00	2	1	3	10.31	90	15	2	453.79
.....	3	0	0				15.00	2	0	10	10.20	89	16	0	449.00
.....	3	0	0				15.00	2	0	5	10.10	88	16	5	444.10
.....	3	0	0				15.00	2	0	0	10.00	87	16	5	439.10
.....	3	0	0				15.00	1	19	6	9.87	1	0	6	5.12	86	15	11	433.97
.....	3	0	0				15.00	1	19	1	9.77	1	0	11	5.22	85	15	0	428.75
.....	3	0	0				15.00	1	18	7	9.64	1	1	5	5.35	84	13	7	423.39
.....	3	0	0				15.00	1	18	1	9.52	1	1	11	5.47	83	11	8	417.91
.....	3	0	0				15.00	1	17	7	9.39	1	2	5	5.60	82	9	3	412.31
.....	3	0	0				15.00	1	17	1	9.27	1	2	11	5.72	81	6	4	406.58
.....	3	0	0				15.00	1	16	7	9.14	1	3	5	5.85	80	2	11	400.72
.....	3	0	0				15.00	1	16	1	9.02	1	3	11	5.97	78	19	0	394.75
.....	3	0	0				15.00	1	15	6	8.87	1	4	6	6.12	77	14	6	388.62
.....	3	0	0				15.00	1	15	0	8.75	1	5	0	6.25	76	9	6	382.37
.....	3	0	0				15.00	1	14	5	8.60	1	5	7	6.39	75	3	11	375.94
.....	3	0	0				15.00	1	13	10	8.45	1	6	2	6.54	73	17	9	369.43
.....	3	0	0				15.00	1	13	3	8.31	1	6	9	6.68	72	11	0	362.75
.....	3	0	0				15.00	1	12	8	8.16	1	7	4	6.83	71	3	8	365.91
.....	3	0	0				15.00	1	12	0	8.00	1	8	0	7.00	69	15	8	348.91
.....	3	0	0				15.00	1	11	5	7.85	1	8	7	7.14	68	7	1	341.77
.....	3	0	0				15.00	1	10	9	7.68	1	9	3	7.31	66	17	10	334.45
.....	3	0	0				15.00	1	10	1	7.52	1	9	11	7.47	65	7	11	376.97
.....	3	0	0				15.00	1	9	5	7.35	1	10	7	7.64	63	17	4	319.33
.....	3	0	0				15.00	1	8	9	7.18	1	11	3	7.81	62	6	1	311.52
.....	3	0	0				15.00	1	8	0	7.00	1	12	0	8.00	60	14	1	303.52
.....	3	0	0				15.00	1	7	4	6.83	1	12	8	8.16	59	1	5	295.35
.....	3	0	0				15.00	1	6	7	6.64	1	13	5	8.35	57	8	0	287.00
.....	3	0	0				15.00	1	5	10	6.45	1	14	2	8.54	55	13	10	278.45
.....	3	0	0				15.00	1	5	1	6.27	1	14	11	8.72	53	18	11	269.72
.....	3	0	0				15.00	1	4	3	6.06	1	15	9	8.93	52	3	2	260.79
.....	3	0	0				15.00	1	3	6	5.91	1	16	6	9.12	50	6	8	251.66
.....	3	0	0				15.00	1	2	8	5.68	1	17	4	9.33	48	9	4	242.33
.....	3	0	0				15.00	1	1	10	5.45	1	18	2	9.54	46	11	2	232.79
.....	3	0	0				15.00	1	0	11	5.22	1	19	1	9.77	44	12	1	223.02
.....	3	0	0				15.00	1	0	1	5.02	1	19	11	9.97	42	12	2	213.04
.....	3	0	0				15.00	0	19	2	4.79	2	0	10	10.20	40	11	4	202.83
.....	3	0	0				15.00	0	18	8	4.56	2	1	9	10.43	38	9	7	192.39
.....	3	0	0				15.00	0	17	4	4.33	2	2	8	10.66	36	6	11	181.72
.....	3	0	0				15.00	0	16	4	4.08	2	3	8	10.91	34	3	3	170.81
.....	3	0	0				15.00	0	15	5	3.85	2	4	7	11.14	31	18	8	159.66
.....	3	0	0				15.00	0	14	4	3.58	2	5	8	11.41	29	13	0	148.25
.....	3	0	0				15.00	0	13	4	3.33	2	6	8	11.66	27	6	4	136.58
.....	3	0	0				15.00	0	12	4	3.08	2	7	8	11.91	24	18	8	124.66
.....	3	0	0				15.00	0	11	3	2.81	2	8	9	12.18	22	9	11	112.47
.....	3	0	0				15.00	0	10	1	2.52	2	9	11	12.47	20	0	0	100.00
.....	3	0	0				15.00	0	9	0	2.25	2	11	0	12.75	17	9	0	87.25
.....	3	0	0				15.00	0	7	10	1.95	2	12	2	13.04	14	16	10	74.20
.....	3	0	0				15.00	0	6	8	1.66	2	13	4	13.33	12	3	6	60.87
.....	3	0	0				15.00	0	5	6	1.37	2	14	6	13.62	9	9	0	47.25
.....	3	0	0				15.00	0	4	3	1.06	2	15	9	13.93	6	13	3	33.31
.....	3	0	0				15.00	0	3	0	.75	2	17	0	14.25	3	16	3	19.06
.....	3	0	0				15.00	0	1	9	.34	2	18	3	14.56	0	18	0	4.50
.....	0	18	5				4.60	0	0	5	.10	0	18	0	4.50	.....			.....

the number and sum whereof shall be specified by him in his evidence burnt, or otherwise destroyed before the same shall have been paid of judge certifying that he is satisfied with such proof, the treasurer bond or bill to be made out at the treasury bearing the same num principal sum, and rate of interest as the bond or bill so lost, bu to be delivered to the person who was the holder of the bon or destroyed upon his giving sufficient security to the tre treasury against any double payment if the alleged lost, b bill should thereafter be presented for payment.

SEC. 56. The commissioners of audit shall half yearly after the thirtieth day of June and the thirty-first d duly inspect, count, and audit the treasury bonds a under this act and which have not been issued, an each such audit to the treasurer, and such report the making thereof, if Parliament be sitting, an within fourteen days after the next sitting of P

SEC. 57. Every penalty or fine payable in re banks acts may be summarily recovered bef

SEC. 58. (1) The governor in council may this act for the purpose of giving effect prescribed, and generally for the purpo effect.

(2) All such regulations shall be p so published shall have the force of laid before both houses of Parliam been made, if Parliament be the next meeting of Parliament.

Number

£25.

We, the comm acknowledge th to the extent o us we will a or at any sa the bearer annum.

The sa and the and als

Thi time

Gi of

£	s.	d.
99	0	0
97	19	7
96	18	8
95	17	3
94	15	4
93	13	0
92	10	2
91	6	10
90	2	11
88	18	6
87	13	6
86	7	11
85	1	10
83	15	2
82	7	10
80	19	11
79	11	4
78	2	2
76	12	4
75	1	10
73	10	7
71	18	8
70	6	0
68	12	8
66	18	7
65	3	8
63	8	0
61	11	6
59	14	3
57	16	1
55	17	1
53	17	3
51	16	6
49	14	10
47	12	3
45	8	8
43	4	1
40	18	6
38	11	11
36	4	[illegible]
33	15	7
31	5	[illegible]
28	14	[illegible]
26	2	[illegible]
23	9	[illegible]
20	15	[illegible]
17	19	[illegible]
15	2	[illegible]
12	4	[illegible]
9	4	[illegible]
6	4	[illegible]
3	1	[illegible]
.....		

...rly payments for every £100 ($500) at £7 ($35) per centum, namely, ...centum for interest and the balance in reduction of principal, such ...ining at expiration of first half year.

	On account of interest at 4½ per cent.			On account of principal.			Balance of principal owing.			
			£ s. d.		£ s. d.			£ s. d.		
			0	$11.25	1 5 0		$6.25	98 15 0		$493.75
				11.10	1 5 7		6.39	97 9 5		487.35
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.....	3 10 0	17.50	1 4 5	6.10	2 5 7		11.39	51 19 4		259.83
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.....	3 10 0	17.50	1 2 4	5.58	2 7 8		11.95	47 5 1		236.27
.....	3 10 0	17.50	1 1 3	5.31	2 8 9		12.18	44 16 4		224.08
.....	3 10 0	17.50	1 0 2	5.10	2 9 10		12.45	42 6 6		211.62
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.....	3 10 0	17.50	0 3 6	.87	3 6 6		16.62	4 7 0		21.75
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55TH CONGRESS, 2d Session. | SENATE. | DOCUMENT No. 40.

PROTECTION OF FUR SEALS IN BERING SEA.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

IN RESPONSE TO RESOLUTION OF THE SENATE OF MAY 25, 1897, A REPORT OF THE SECRETARY OF STATE, ACCOMPANIED BY COPIES OF CORRESPONDENCE OF RECORD IN THE DEPARTMENT OF STATE TOUCHING THE PROTECTION OF FUR SEALS IN BERING SEA AND THE NORTH PACIFIC OCEAN.

DECEMBER 18, 1897.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate of the United States:

I transmit herewith, in answer to the resolution of the Senate of May 25, 1897, a report from the Secretary of State, accompanied by copies of correspondence of record in the Department of State touching the protection of fur seals in Bering Sea and the North Pacific Ocean.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, December 18, 1897.

The PRESIDENT:

The Secretary of State, to whom was referred the resolution passed in the Senate of the United States May 25, 1897, requesting the President, "if in his opinion it is not incompatible with the public interests, to send to the Senate the correspondence in the Departments of State and of the Treasury, not heretofore printed, relating to the fur seals in Bering Sea and the North Pacific Ocean," has the honor to lay before the President, to the end that they may, if not incompatible with his judgment, be transmitted to the Senate, copies of the correspondence of record in the Department of State relative to the fur seals in Bering Sea and the North Pacific Ocean.

Under date of the 6th instant the Secretary of the Treasury replied as follows:

Acknowledging the receipt of your letter of the 2d ultimo, wherein, referring to Senate resolution of May 25 ultimo, by which the President is requested to transmit to the Senate copies of correspondence in the Treasury and State Departments relative to fur seals in Bering Sea and the North Pacific Ocean, you suggest, to avoid duplication, that this Department transmit you copies of such correspondence as it may have pertinent to the subject of said resolution, I have the honor to inform you that there is no correspondence in this Department on the subject of said resolution except that had with your Department, the originals of which are in your possession.

Respectfully submitted.

JOHN SHERMAN.

DEPARTMENT OF STATE,
Washington, December 17, 1897.

List of papers.

1. Mr. Olney to Sir Julian Pauncefote, No. 557, December 15, 1896.
2. Mr. Olney to Sir Julian Pauncefote, No. 587, January 3, 1897.
3. Sir Julian Pauncefote to Mr. Olney, January 16, 1897.
4. Mr. Sherman to Sir Julian Pauncefote, No. 613, March 12, 1897.
5. Sir Julian Pauncefote to Mr. Sherman, March 23, 1897.
6. Sir Julian Pauncefote to Mr. Sherman, March 24, 1897.
7. Mr. Carter to Mr. Sherman, No. 902, March 31, 1897.
8. Mr. Sherman to Mr. White, telegram, April 8, 1897.
9. Mr. Sherman to Sir Julian Pauncefote, No. 636, April 9, 1897.
10. Mr. White to Mr. Sherman, telegram, April 12, 1897.
11. Mr. White to Mr. Sherman, No. 914, April 13, 1897, with inclosures.
12. Mr. Sherman to Sir Julian Pauncefote, No. 643, April 16, 1897.
13. Mr. White to Mr. Sherman, telegram, April 17, 1897.
14. Mr. White to Mr. Sherman, No. 918, April 17, 1897.
15. Mr. White to Mr. Sherman, telegram, April 20, 1897.
16. Lord Salisbury to Sir Julian Pauncefote, April 21, 1897.
17. Mr. Sherman to Mr. White, telegram, April 24, 1897.
18. Mr. Hay to Mr. Sherman, No. 12, April 27, 1897.
19. Mr. Rockhill to Sir Julian Pauncefote, No. 652, April 27, 1897.
20. Sir Julian Pauncefote to Mr. Sherman, April 29, 1897.
21. Mr. Hay to Mr. Sherman, No. 18, May 1, 1897, with inclosure.
22. Mr. Sherman to Sir Julian Pauncefote, No. 655, May 1, 1897.
23. Sir Julian Pauncefote to Mr. Sherman, May 3, 1897.
24. Mr. Sherman to Sir Julian Pauncefote, No. 659, May 6, 1897.
25. Lord Salisbury to Sir Julian Pauncefote, No. 74, May 7, 1897.
26. Mr. Sherman to Mr. Hay, No. 28, May 10, 1897.
27. Sir Julian Pauncefote to Mr. Sherman, May 18, 1897.
28. Mr. Sherman to Mr. Hay, telegram, May 21, 1897.
29. Mr. Sherman to Sir Julian Pauncefote, No. 686, June 7, 1897.
30. Sir Julian Pauncefote to Mr. Sherman, June 9, 1897.
31. Sir Julian Pauncefote to Mr. Sherman, June 13, 1897.
32. Mr. Sherman to Sir Julian Pauncefote, No. 699, June 15, 1897.
33. Mr. Sherman to Sir Julian Pauncefote, No. 704, June 18, 1897.
34. Sir Julian Pauncefote to Mr. Sherman, June 20, 1897.
35. Mr. Day to Mr. Tower, No. 713, June 28, 1897.
36. Mr. Tower to Mr. Sherman, June 30, 1897.
37. Mr. Sherman to Mr. Tower, No. 719, July 2, 1897.
38. Mr. Tower to Mr. Sherman, July 5, 1897.
39. Mr. Sherman to Mr. Dun, telegram, July 14, 1897.
40. Mr. Buck to Mr. Sherman, No. 10, July 21, 1897.
41. Mr. Adam to Mr. Sherman, July 21, 1897.
42. Mr. Adam to Mr. Sherman, July 30, 1897.
43. Mr. Adee to Mr. Adam, No. 739, August 3, 1897.
44. Mr. Sherman to Mr. Adam, No. 766, August 28, 1897.
45. Mr. Adam to Mr. Sherman, August 30, 1897.
46. Mr. Hay to Mr. Sherman, No. 69, July 7, 1897.
47. Mr. Hay to Mr. Sherman, No. 74, July 17, 1897.
48. Mr. Hay to Mr. Sherman, No. 86, July 30, 1897

49. Mr. Adam to Mr. Sherman, August 28, 1897.
50. Mr. Sherman to Mr. Adam, September 8, 1897.
51. Mr. Sherman to Mr. Adam, No. 758, August 31, 1897.
52. Mr. Adam to Mr. Sherman, September 2, 1897.
53. Mr. Sherman to Mr. Hay, telegram, September 20, 1897.
54. Mr. Hay to Mr. Sherman, telegram, September 24, 1897.
55. Mr. Adam to Mr. Sherman, September 22, 1897.
56. Mr. Sherman to Mr. Hay, telegram, September 25, 1897.
57. Mr. Hay to Mr. Sherman, No. 126, September 25, 1897.
58. Mr. Hay to Mr. Sherman, No. 137, October 6, 1897.
59. Mr. Adam to Mr. Sherman, October 6, 1897.
60. Mr. Sherman to Mr. Adam, No. 796, October 7, 1897.
61. Mr. Adam to Mr. Sherman, October 9, 1897.
62. Mr. Adam to Mr. Sherman, October 15, 1897.
63. Mr. Sherman to Mr. Adam, No. 805, October 20, 1897.
64. Mr. Adam to Mr. Sherman, October 20, 1897.
65. Mr. Sherman to Sir Julian Pauncefote, November 4, 1897.
66. Sir Julian Pauncefote to Mr. Sherman, November 7, 1897.
67. Mr. Sherman to Sir Julian Pauncefote, November 8, 1897.
68. Sir Julian Pauncefote to Mr. Sherman, November 8, 1897.
69. Messrs. Hamlin and Jordan to Mr. Sherman, November 17, 1897.
70. Mr. Sherman to Mr. Hay, No. 318, November 22, 1897.
71. Mr. Foster to Mr. Sherman, December 3, 1897.

CORRESPONDENCE.

Mr. Olney to Sir Julian Pauncefote.

No. 557.] DEPARTMENT OF STATE,
Washington, December 15, 1896.

EXCELLENCY: With reference to the Department's note of October 13 last, proposing the temporary postponement of the correspondence concerning the regulation of pelagic sealing in Bering Sea and the North Pacific Ocean, I have now the honor to observe that the suspension of the discussion left two unsettled questions pending; first, as to permitting seal skins landed at British ports to be examined by American inspectors for the purpose of determining their sex and whether or not said skins had been shot in violation of the Paris award and the British law; and, second, the proposal for amending the regulations on the subject of the use of firearms by pelagic sealers.

In reopening the subject I wish to say that the Department assumes that Her Britannic Majesty's Government, in suggesting that the certificates of search and the sealing up of arms (see Lord Gough's note of September 21, 1896) shall be accepted by patrolling officers as conclusive evidence that no firearms are concealed on board, in effect proposes that, under such circumstances, there shall be no search whatever of such vessels. The Government of the United States does not think that the arrangement ought to be made on that line. It considers a search useful for two purposes; first, it discloses whether firearms or other implements are on the vessel during any prohibited time in violation of law, and, second, whether there are on board any seal skins, if in a close season, and whether there are any skins which have been shot, if the vessel has been engaged in sealing in Bering Sea where the use of firearms is prohibited.

While the suggestion of Her Majesty's Government, if adopted, might properly be accepted as satisfactory evidences that there were no firearms or implements forbidden to be used concealed on board the

vessel, there would still remain the second question, as to whether or not in the close season there were on said vessel skins freshly killed, or, if in Bering Sea, shot. As regards American vessels, this latter question is settled by a careful inspection of each skin landed by an expert inspector. This precaution, however, although adopted by the United States upon the broad ground that it is absolutely essential for preventing the unlawful destruction of fur seals, Her Majesty's Government refuses to adopt and declines to afford the United States an opportunity to make this inspection for itself by its duly appointed inspectors.

Under the circumstances it will readily appear that if the United States were to accept the suggestion of Her Majesty's Government above referred to it would result in discrimination against American vessels in favor of those of Great Britain. At this time the mere fact of the sealing up of arms does not protect American vessels from being searched; on the contrary, they have been searched as thoroughly and as rigidly as have the British vessels. The sealing up of arms is merely a part of the evidence from which the boarding officer knows that said arms could not have been used in killing seals. To accept the suggestion of Her Majesty's Government and cease to search British vessels, especially in consideration of the fact above stated, that United States vessels are rigidly searched, and that no examinations of skins are made at British ports, would be to discriminate doubly against American vessels.

It is belived by this Government to be practicable to discover by an examination of skins landed whether the seals have been shot or speared; also as to their sex, except in the case of pups. This method, I may observe, has been in practice for the past two years by the Government of the United States with most satisfactory results, and I take pleasure in transmitting herewith for the information of Her Majesty's Government copies of a Treasury circular, No. 75, dated April 12, 1895, giving full instructions respecting the pelagic catch of fur seals.

The sole object of the proposals heretofore made by this Government concerning these subjects was to prevent the unlawful destruction of the fur seals, an object clearly within the purview of the Paris award, and which seems plainly indispensable under existing circumstances to the proper execution of the respective laws enacted by the United States and Great Britain to carry that award into effect. Nor am I able to perceive that the proposed regulations would interfere with any lawful business carried on by Her Majesty's subjects.

In view of the fact that the time is nearly at hand when the regulations for the season of 1897 should be agreed upon, it is hoped that Her Majesty's Government will find it convenient to give the subject early attention, and to afford this Department the benefit of any suggestions it may have to present.

I have, etc., RICHARD OLNEY.

Mr. Olney to Sir Julian Pauncefote.

No. 587.] DEPARTMENT OF STATE,
Washington, January 3, 1897.

EXCELLENCY: Referring to the Department's note of the 15th ultimo, concerning the regulation of pelagic sealing in Bering Sea and the North Pacific Ocean, and particularly as to the unsettled questions

relative to the inspection of skins and the use of firearms, I have the honor to acknowledge the receipt of your note of the 16th instant, stating that the former regulation can not be made compulsory without legislation by the Canadian Parliament, and that until the views of the Canadian Government have been received, that of Her Majesty can not go beyond the offer made in Viscount Gough's note to Mr. Rockhill of September 26, 1896.

In reply I beg to say that the Department would be much pleased, in view of the near approach of the sealing season, to be informed as to when the Canadian Government will probably be prepared to take action in regard to the question of the inspection of seal skins.

I have, etc.,

RICHARD OLNEY.

Sir Julian Pauncefote to Mr. Olney.

WASHINGTON, *January 16, 1897.*

SIR: In your note No. 557, of the 10th ultimo, concerning the regulation of pelagic sealing in Bering Sea and the North Pacific Ocean, you observed that the suspension of the discussion left two unsettled questions pending: First, as to permitting seal skins landed at British ports to be examined by American inspectors for the purpose of determining their sex and whether or not such skins have been shot in violation of the Paris award and the British law; and, second, the proposal for amending the regulations on the subject of the use of firearms by pelagic sealers.

I have the honor to state that I communicated a copy of your note to my Government, and that I have been instructed by the Marquis of Salisbury to explain in reply thereto that the compulsory examination of skins by experts on landing at British ports would require legislation in Canada, and that until the views of the Canadian Government have been received Her Majesty's Government can not go beyond the offer made in Viscount Gough's note to Mr. Rockhill of September 21, 1896.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Sherman to Sir Julian Pauncefote.

No. 613.] DEPARTMENT OF STATE,
Washington, March 12, 1897.

EXCELLENCY: Adverting to the Department's note of December 16 last, in regard to the proposed adoption of amended regulations for pelagic sealing in Bering Sea and the North Pacific Ocean, particularly as to those concerning the inspection of skins and the use of firearms, and to your note of the 16th of January last, stating that the proposed regulations in so far as the same relate to the inspection of skins can not be made compulsory without legislation by the Canadian Parliament, I have the honor, in view of the near approach of the opening of the sealing season, to recall your attention to Mr. Olney's note of January 23 last, asking to be informed of the date when the Canadian Government would take action in regard to the question of the inspection of seal skins.

The urgency of this matter must be apparent to Her Majesty's Government, for which reason I trust that you will do all that lies in your power to expedite a reply upon this subject.

I have, etc.,

JOHN SHERMAN.

Sir Julian Pauncefote to Mr. Sherman.

WASHINGTON, *March 23, 1897.*

SIR: With reference to an inquiry made by your predecessor on January 4 last, respecting the report of Prof. D'Arcy W. Thompson, British commissioner in charge of the fur-seal investigations for 1896, I have the honor to inform you, by the direction of the Marquis of Salisbury, that no formal record of proceedings has yet been received from Professor Thompson, but that Her Majesty's Government will be happy to furnish the United States Government with a copy of his definitive report, which is in a forward state of preparation, as soon as it has been printed.

From such information as has hitherto been furnished by Professor Thompson, and the facts as to the present condition of the seal herd set forth in Dr. Jordan's report, there is, apparently, no reason to fear that the seal herd is threatened with early extermination.

Her Majesty's Government, however, believe that some modification of the sealing regulations will be required at the expiration of the five years' term which was named by the Arbitration Tribunal of 1893. That period expires at the close of the season of 1898, and it would be desirable that the discussion of the modifications which may be found necessary should take place in the course of that year, in order that the revised regulations may be ready for adoption before the sealing season of 1899. And with this object in view, Her Majesty's Government are very desirous of sending out special agents again in June next to carry on further inquiries and observations in the Pribilof Islands.

Professor Thompson has stated to Her Majesty's Government his views as to the various points in regard to seal life which require further investigation to enable Her Majesty's Government to consider the question of revising the regulations.

The statistics of former observers were found to afford no evidence on which an accurate estimate of the diminution in the number of seals could be based, but the careful count of the seals which was made last summer forms a valuable standard for comparison. It is very essential to ascertain as far as possible what has been the result of last season's operations on land and at sea, and also to obtain the latest information as to the number of seals frequenting the islands.

The result of the joint investigations showed that no great difficulty was found in taking 30,000 seals on land in 1896; and whatever number it may be decided to kill this year, it is important to observe with what degree of facility the total is reached.

For these reasons Professor Thompson is anxious that British agents should again be appointed with the same powers and the same freedom of action as they enjoyed last year.

In communicating the above I am directed by my Government to express the hope that the facilities and accommodations which were last year provided for the British agents may be likewise afforded on this occasion.

I may add that agents will be sent to the Commander and Robben islands, and that an application has been made to the Russian Government on this subject.

I am informed by telegraph by the Marquis of Salisbury that Professor Thompson is desirous of starting on April 8 via Japan, and to visit the Russian islands in the first instance.

In view of the very short time which remains, I venture to ask you to be good enough to favor me with a reply to this note at your earliest convenience in order that I may be able to report by telegraph to Lord Salisbury whether the United States Government are willing to afford the facilities to which I have above alluded to the British agents.

I have, etc.,

JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Sherman.

WASHINGTON, *March 24, 1897.*

SIR: With reference to your note, No. 613, of the 12th instant, in regard to the proposed adoption of amended regulations for pelagic sealing in Bering Sea and the North Pacific Ocean, particularly as to those concerning the inspection of skins and the use of firearms, I have the honor to inform you that I am in receipt of a dispatch from the Marquis of Salisbury stating that Her Majesty's Government are still in correspondence with the Canadian Government respecting the regulations desired by the United States Government providing for the examination of seal skins at Canadian ports and for the sealing up of firearms on board British vessels, and that a further communication will be made on these subjects as soon as possible.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Carter to Mr. Sherman.

No. 902.] EMBASSY OF THE UNITED STATES,
London, March 31, 1897.

SIR: I have the honor to inclose herewith clippings from the London Times of to-day containing a question and answer in the House of Commons yesterday with reference to the existing regulations in relation to the seal fisheries in Bering Sea, from which it will be observed that it is thought some modification in the regulations may be found desirable at the end of 1898, but that no revision of the same will be adopted without reference to the Dominion Government.

I have, etc.,

JOHN RIDGELY CARTER.

[Inclosure with No. 902.—Extract from the Times, Wednesday, March 31, 1897.]

Bering Sea fisheries.

In answer to Mr. Seton-Karr (St. Helens)—

Mr. CURZON (Lancashire, Southport) said: The reports of the British commissioners have been received and are under examination. It is thought that some modification of the existing regulations may be found desirable at the end of 1898, the period fixed by the arbitration tribunal for their reconsideration. No revised regulations will be adopted without previous communication with the Dominion Government.

Mr. Sherman to Mr. White.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 8, 1897.

The President is greatly concerned as to the present depleted condition and the prospective early extinction of the Alaskan seal herd. In the midst of the cares attending organization of his Administration the subject has forced itself on his attention, and he is convinced that it is indispensable that immediate steps be taken to stop indiscriminate slaughter through pelagic sealing.

This is result of Jordan's investigation and believed confirmed by Thompson. You are instructed to bring subject to immediate attention of British Government, communicate President's concern and urgent expectation that effective measures be at once adopted by the respective Governments. He deems it requisite that a modus vivendi should be agreed upon with equitable provision for interests involved suspending all killing for the season '97 in Bering Sea, taking modus of '91 as basis. This is to be accompanied by an arrangement for a joint conference at an early day of Powers concerned to agree upon measures necessary to preserve the seals of the North Pacific from extermination and to restore them to their normal conditions for insuring continued existence. It will not satisfy the President to be informed that the British Government proposes to take up the subject at the close of next year's season, as contemplated in the Paris award. If destruction goes on meanwhile, there will be no occasion for conference then. Action as indicated must be taken now if herd is to be saved. If modus agreed to, full liberty will be given Professor Thompson and assistants to visit islands. You will urge an early answer to proposal, as President desires to know whether he can rely upon friendly cooperation with Great Britain. In case of refusal, he must early consider what measures independent of that Government he shall adopt.

It is suggested that you communicate to Russian ambassador purport of this instruction, with a view to securing his cooperation on assurance that modus should, in opinion of President, include waters of Russian islands and conference embrace his Government.

SHERMAN.

Mr. Sherman to Sir Julian Pauncefote.

No. 636.]

DEPARTMENT OF STATE,
Washington, April 9, 1897.

EXCELLENCY: Circumstances beyond my control have delayed an answer up to this time of the note which you did me the honor to address me under date of the 23d ultimo, wherein you advise me of the desire of your Government that Professor Thompson should revisit the seal islands in Bering Sea and that the same facilities and accommodations which were last year provided for the British agents may be afforded on the contemplated visit.

The Government of the United States has always cheerfully welcomed the visit to the Pribilof Islands of duly authorized British agents who were desirous of making an impartial and scientific study of the seal herd which has its home on those islands, and if your note

had been confined to this request, it would have received the prompt and favorable reply for which you expressed a desire. But it contained statements of fact and conclusions reached by Her Majesty's Government of such a serious character that I felt it my duty to lay the note before the President for his consideration and instructions. Notwithstanding the many and absorbing questions which demand his time in the inauguration of his Administration, he has given to the subjects suggested by your note the preferential attention which their importance demanded, and though he has as promptly as possible devoted his time to the examination and consideration of the facts and correspondence, I have not until the present been able to make the response to your note which a due regard for its tenor required.

The President instructs me to say that he is greatly concerned as to the present depleted condition and the prospective early extinction of the Alaskan seal herd. He can not agree with your note as to the conclusions reached by Dr. Jordan in his report. Unfortunately for the Government of the United States, it does not have the information contained in Professor Thompson's report possessed by Lord Salisbury. Feeling that the result of the investigation made in 1896 by the scientists of the two Governments should be respectively made known to each other at the earliest practicable date, my predecessor caused Dr. Jordan's report to be promptly prepared, and copies of it have been in the hands of the British Government for some time past. It is much regretted that a similar course was not pursued as to the report of Professor Thompson, and peculiarly unfortunate that another season of pelagic sealing should be entered upon without any opportunity on the part of my Government to examine that report.

The President is therefore forced to reach his conclusion on the points treated of in your note by a careful study of Dr. Jordan's report and other ascertained facts and statistics. Dr. Jordan's report shows conclusively that there has been a distinct and steady decrease both in the total number of breeding seals and in the number of breeding cows in the season of 1896 as compared with that of 1895. It further appears from said report conclusively that this diminution has been caused by pelagic sealing, the most destructive effects of which are manifested in Bering Sea in August, at which time at least two-thirds of the catch consists of females, who are then leaving the islands for food for their pups. It is further shown that the number of pups thus dying from starvation, their mothers having been killed at sea, amounts, for the season of 1896, to 14,473. It is further apparent from said report that it was as easy in 1880 to procure on land 100,000 skins of the same quality as those taken during the season of 1896 as it was to obtain the catch of last year, namely, 30,000. The number of breeding females is not over one-fourth as many now as in 1880. These facts lead Dr. Jordan to the positive conclusion that pelagic sealing will ultimately result in the practical extinction of the herd.

Turning to the statistics of the catch in Bering Sea, it appears that 37 vessels in 1894 killed 31,585 seals, while in 1896 67 vessels only secured 29,500. The average catch per vessel in Bering Sea in 1894 was 853 as compared with 440 in 1896. It may be claimed that the land catch increased in 1896, as compared with 1895, from 15,000 to 30,000, and that this may have had some influence upon the decrease of the pelagic catch of 14,669 in 1896 as compared with 1895. It should be remembered, however, that the average percentage of females to males in the Bering Sea catches of both British and American vessels was about two-thirds females to one-third males. At the utmost, there-

fore, the increased catch on the islands would have affected the pelagic catch a little more than 4,000 skins, leaving a decrease of at least 10,000 unaccounted for except by a falling off in the female seals. It should further be remembered that the catch on the islands was increased in 1896 to 30,000, because it was plain, upon scientific investigation, that the dangerous mortality among female seals brought about by pelagic sealing has left the number of bulls greatly in excess of the due proportion between the sexes, and to properly care for the herd it became necessary to remove, as far as possible, this menacing excess of male life upon the islands.

The further startling fact appears that in Bering Sea the total catch decreased from 44,169 in 1895 to 29,500 in 1896, a decrease of 33 per cent in the herd's capacity to yield a pelagic catch, and if allowance is made for the seals which the pelagic sealer was prevented from taking by the increased land killing of 1896, the percentage of decrease in the capacity of the herd for such a yield is still found to be about 25 per cent in one year. When it is further considered that the present number of breeding seals (a little over 143,000 in 1896) is but little more than one-half of the number (280,000) computed to be on said islands in 1890, it must become evident that before arrangements can be concluded for the new regulations for the season of 1899 there is grave reason to fear that the herd will have reached a stage so low that recuperation can be secured only with great difficulty, if at all.

From the foregoing and other facts which might be cited, the President is forced to express his strong dissent from the conclusions which seem from your note to have been reached by Her Majesty's Government, that there is no such imminent danger of the early extermination of the seal herd as to call for any action by the two Governments before the close of the season of 1898. On the contrary, he feels that if the destruction goes on meanwhile there will be little occasion for action then, as the herd will be so far reduced as to render its further protection fruitless. The expression "no reason to fear that the seal herd is threatened with early extermination" is noted with surprise. Is it the intention of the British Government to delay action until the verge of extinction is reached? Does that course commend itself to its sense of justice and humanity? Is it right that the great interests of a friendly power and the existence of a useful race of animals should be exposed by the continual practice of a means of slaughter which it is conceded will ultimately result to their destruction?

The Paris Tribunal reached the conclusion, upon the facts before it, that a certain amount of pelagic sealing could be carried on without serious danger to the continued existence of the herd, and upon this conviction it authorized the practice of pelagic sealing under certain restrictions as to time and methods. But the experience of the past years since the decision at Paris has shown that the conclusion there reached is not sustained by the facts, and that pelagic sealing, if persisted in, will sooner or later result in practical extermination. Such being the ascertained fact, it seems to the President just and right that the practice authorized by the tribunal under a fallacious conclusion should be abandoned or modified in such a way as to accomplish the declared purpose of the Paris arbitration—the continued existence and preservation of the herd.

In view of the foregoing conclusions, the President has directed me to communicate by cable to the embassy in London his desire that the subject be brought at once to the attention of Lord Salisbury, with his urgent request that a modus vivendi should be agreed upon, with

equitable provision for the interests involved, suspending all killing for the season of 1897, and that this should be accompanied by an arrangement for a joint conference at an early day of the powers concerned to agree upon measures necessary to preserve the seals of the North Pacific Ocean from extermination and to restore them to their normal condition for insuring continued existence. Our representative in London was instructed to urge an early answer to the proposal, as the President desired to know whether he could rely upon the friendly cooperation of Great Britain.

In communicating to you, Mr. Ambassador, the foregoing action of the President, I invoke your good offices with your Government at London to secure from it such favorable action as will tend to cement our relations of cordial cooperation and friendship.

I have, etc.,

JOHN SHERMAN.

Mr. White to Mr. Sherman.

[Telegram.]

LONDON, *April 12, 1897.*

On the receipt of your instructions by cable relative to seals last Friday I at once saw Russian ambassador, who promised to telegraph to his Government. I addressed a note embodying your instructions to foreign office on the 10th, and presented matter personally also same day. Lord Salisbury is absent, but prompt attention promised.

WHITE.

Mr. White to Mr. Sherman.

No. 914.] EMBASSY OF THE UNITED STATES,
London, April 13, 1897.

SIR: I have the honor to inclose herewith the translation of a telegram which I received from you on the 9th instant, relative to the Alaskan seal question, and of the reply which I sent you yesterday.

I also inclose a copy of a note which I thereupon addressed to Her Majesty's Government and which I handed at the foreign office, in the absence on the Continent of the Marquis of Salisbury, to the Hon. Francis Villiers, the assistant under secretary, who has charge of the American department.

Mr. Villiers at once read the note, but was not in a position of course to make any reply to the proposal therein made. He said, however, that it should receive the prompt attention of Her Majesty's Government. I have since received a note from him to the same effect, of which I inclose a copy herewith, together with two telegrams from the American correspondent of the Times, and a leading article from that newspaper on the subject.

I had previously seen the Russian ambassador, to whom I communicated the views of the President and yourself relative to the seal question. His excellency said that the matter is one in which his Government takes much interest, and he promised to telegraph at once on the subject to St. Petersburg.

I shall lose no time in communicating to you by telegraph the substance of any answer which I may receive from the ambassador or from the foreign office prior to the arrival of Mr. Hay.

I have, etc.

HENRY WHITE.

[Inclosure in No. 914.]

Mr. White to the Marquis of Salisbury.

EMBASSY OF THE UNITED STATES, *April 10, 1897.*

MY LORD: I have the honor to inform your lordship that as a result of the investigations made last year in Alaskan waters by Dr. Jordan, with whose views Professor Thompson, who was sent by Her Majesty's Government to make similar investigations, is believed to concur, the present state of the Alaskan seals has forced itself, in the midst of the many cares attending the organization of his Administration, upon the attention of the President of the United States, to whom the depleted condition and prospective early extinction of the herd are a matter of grave concern.

I have received urgent telegraphic instructions, therefore, to bring the subject to the immediate attention of Her Majesty's Government, and to communicate the President's earnest hope and expectation that effective measures may at once be adopted by the respective Governments with a view to putting a stop to the indiscriminate slaughter of the seals through pelagic sealing.

I am instructed to suggest to Her Majesty's Government that, in the opinion of the President, a modus vivendi based upon that of 1891, with equitable provision for the various interests involved, suspending all killing of seals during the season of 1897 in Bering Sea, should be agreed upon without delay, and that this should be accompanied by an arrangement for a joint conference, at an early day, of the Powers concerned, for the purpose of agreeing upon the measures necessary for the preservation of the seals in the North Pacific from extermination and of restoring them to their normal condition, with a view to their continued existence.

To defer taking up the subject until after the termination of the season of 1898, as contemplated by the award of the Tribunal of Arbitration at Paris, would, in the opinion of my Government, be fatal to the object in view, as, should the destruction continue during two more seasons, there will be no occasion, owing to the disappearance of the seals, for a conference.

The President sees, therefore, no escape from the conviction that there is urgent necessity for prompt action, such as I now have the honor to propose in his behalf, and in so doing I am instructed to say that if Her Majesty's Government should see their way to agreeing to the modus vivendi herein suggested, my Government will have pleasure in giving full opportunity to Professor Thompson and his assistants to visit the seal islands in accordance with the request to that effect which has been made by the British ambassador at Washington.

In view of the approach of the sealing season, and of the consequent importance that the President should be in a position to know as soon as possible whether he may count, as he hopes, upon the friendly cooperation in this matter of Her Majesty's Government, I have the honor, in accordance with instructions from the Secretary of State, to ask your lordship to be so good as to cause a reply to be sent to this note at the earliest date which may be practicable.

I have, etc., HENRY WHITE.

[Inclosure in No. 914.]

Mr. Villiers to Mr. White.

FOREIGN OFFICE, *April 12, 1897.*

SIR: I had the honor to receive the note which you were good enough to leave at this office on the 10th instant, conveying proposals from the United States Government for a fresh "modus vivendi," similar to that of 1891, with regard to seal fisheries in Bering Sea, and for an arrangement for a joint conference of the Powers concerned, to discuss the measures necessary for the preservation of the seals.

Your communication will receive the immediate consideration of Her Majesty's Government.

I have, etc., F. H. VILLIERS.
(For the Marquis of Salisbury).

Mr. Sherman to Sir Julian Pauncefote.

No. 643.] DEPARTMENT OF STATE,
Washington, April 16, 1897.

EXCELLENCY: I have pleasure in confirming and repeating the oral assurance heretofore given you, that the Government of the United States will welcome the visit of Professor Thompson to the Pribilof

Islands, and that orders will at once be issued to the authorities on the islands to extend to him the same facilities granted him during his visit last year.

I have, etc., JOHN SHERMAN.

Mr. White to Mr. Sherman.

[Telegram.]

LONDON, *April 17, 1897.*

Have obtained at this moment advanced copy of report. Forwarded by the dispatch bag leaving to-day by the Umbria.

Minister for foreign affairs not yet heard from, nor Russian Government, relative to proposed modus. I was informed at foreign office to-day that British ambassador had cabled you had assented to request of British Government for Thompson and assistants to visit islands this year.

WHITE.

Mr. White to Mr. Sherman.

No. 918.] EMBASSY OF THE UNITED STATES,
London, April 17, 1897.

SIR: Referring to your instruction numbered 1479, of the 9th instant, which reached this embassy to-day, and to your cablegram of yesterday's date, of which I inclose a copy, I have the honor to transmit herewith an advance copy of Prof. D'Arcy Thompson's report on his mission to the Bering Sea in 1896, which I have just succeeded in obtaining at the foreign office at 2 o'clock, and which I hasten to send off by the dispatch bag, leaving in a few minutes.

It is dated March 4 last, but the inclosed copy is, I understand, the first which has been completed, and it was brought to me while I waited at the foreign office.

While there I ascertained from the under secretary that my note on this subject of the 10th instant had been sent to the Marquis of Salisbury, who is still in the south of France, by the first available messenger, after I left it at the foreign office, but that, up to the present moment, no communication has been received from his lordship in reference thereto.

I was further informed that a telegram had been received from the British ambassador at Washington, stating that you had assented, in behalf of our Government, to the request of Her Majesty's Government that Prof. D'Arcy Thompson and others should again visit the Pribilof Islands this summer for the purpose of carrying on further investigations relative to the seal herd. It is apparently understood by the ambassador, and certainly by the foreign office, that this assent is not conditional upon that of Her Majesty's Government to our proposal for a modus vivendi. * * *

I have, etc.,

HENRY WHITE.

Mr. White to Mr. Sherman.

[Telegram.]

LONDON, *April 20, 1897.*

Daily Mail newspaper states to-day Dr. Jordan has announced that we shall brand female seals if the British Government refuses our proposals for their protection. Am I authorized under the circumstances to inform foreign office verbally informally the statement is true? Infer from your instructions 1479 branding not then positively decided upon. If it is, I think suggested communication might be advantageous.

WHITE.

Lord Salisbury to Sir Julian Pauncefote.

[Personally handed to the Secretary of State by British ambassador.]

FOREIGN OFFICE, *April 21, 1897.*

SIR: I transmit to your excellency herewith a copy of a note from the United States chargé d'affaires, stating that he has received instructions to bring the question of the fur-seal fishery in the North Pacific to the immediate attention of Her Majesty's Government, and to express the earnest hope of the President that effective measures may be at once taken by the respective Governments in order to put a stop to the indiscriminate slaughter of the seals through pelagic sealing.

It is suggested that a "modus vivendi" similar to that of 1891 should be agreed to, to be followed by a joint conference of the powers concerned, with a view to the necessary measures being adopted for the preservation of the seals in the North Pacific.

It is further stated in the event of Her Majesty's Government concurring in these proposals, full opportunity will be given to Prof. d'Arcy Thompson to visit the seal islands in accordance with the request which was made to the United States Government through your excellency.

Her Majesty's Government were convinced that the United States Government did not intend to refuse all further opportunity for investigation unless these proposals were accepted, and I have accordingly been glad to receive your excellency's telegram No. 42 of the 14th instant, stating that the requisite facilities will be accorded to Professor Thompson to enable him to visit the islands again this season, and that Dr. Jordan will, it is hoped, join him in his tour.

The above urgent application is reported to be based on the result of Dr. Jordan's investigations last year, in which it is stated Professor Thompson is believed to concur.

I am now able to inclose, for communication to the United States Government, copies of Mr. Thompson's report, from which it will be seen that the President is mistaken in supposing that in the opinion of the British agent there is any immediate cause for alarm. Dr. Jordan's report, moreover, has been carefully examined and does not appear to contain any facts which would warrant the statement made in Mr. White's note as to the "depleted condition and prospective early extinction of the herd." On the contrary, both reports are generally to the effect that the number of seals in 1896 show no evidence of any measurable diminution as compared with 1895, and that no immediate danger is to be apprehended to the herd, which appears to be in a much better condition than was reported in 1894 and 1895.

ıstance, in commenting on the statistics of 1895–96 for St. George Mr. Thompson states, at page 7 of his report, that although the may not afford any positive evidence of an actual increase of l between the seasons of 1895 and 1896, on the other hand it is ıtly clear that there is no evidence at all to show a decrease that period, and that the state of the herd on the island is at ry much better than it was believed to be from the reports of erican agents in 1896. He further observes (page 17) that had rease in the rookeries been as great and evident as it was l to be up to 1895, the next twelve months would surely have signs still more unequivocal of continued impoverishment of k.

hotographs, however, show with very few exceptions an identical The harems were counted in both years by the same agents, the rookeries but one show a large increase in the latter year. g to the stormy weather prevailing during last sealing season agic catch was much reduced, the catch in Bering Sea having en about two-thirds of that of 1895. The low prices, moreover, for last year's skins are likely to lead to a smaller number of fitting out for the fishery this season, and there is, therefore, mation before Her Majesty's Government to warrant the belief Jnited States Government that to defer taking up the subject ter the season of 1898 would be fatal to the preservation of the

ır statements as to the immediate disappearance of the herd en made in previous years, but experience has shown that the en expressed were groundless, and Her Majesty's Government vinced that they will prove to be equally so on the present ı.

nall catch and low prices obtained for the skins last year brought f the owners of the sealing vessels to the verge of bankruptcy, e Her Majesty's Government to prohibit pelagic sealing alto- or this year it would mean the probable ruin of a considerable of British subjects engaged in a lawful industry. Of course if ted States Government are prepared to give adequate compen- o the sealing fleet on account of its enforced abstention, the ı of revising the regulations can be considered.

excellency will read this dispatch to the Secretary of State and copy of it with him should he desire it.

am, etc., SALISBURY.

Mr. Sherman to Mr. White.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 24, 1897.

atrol fleet sails May 1. Sealing vessels returning with spring ill also put to sea about same time. Modus, to be effective, be agreed upon without delay. Explain situation and renew r answer from British Government.

SHERMAN.

Mr. Hay to Mr. Sherman.

No. 12.] AMERICAN EMBASSY,
London, April 27, 1897.

SIR: I have the honor to inform you that I have received your cipher telegram, dated the 24th, on Sunday, the 25th, a copy of which I inclose.

To-day, at the earliest hour possible, I went to the foreign office and asked for an audience with Sir Thomas Sanderson, the permanent under secretary who, in the absence of Lord Salisbury on the Continent, is in charge of foreign affairs. I expressed to him the earnest desire of the President for an immediate and, if possible, a favorable reply to your suggestion of a new modus vivendi for the suppression of pelagic sealing for this season, and for a conference of the Powers interested for the purpose of adopting some definite plan for the preservation of the seal herd now threatened with extinction. I went over some of the considerations embraced in your instruction showing the rapid decrease in breeding seals and the necessity for prompt action to prevent the total extinction of the species. I said the interests of England and the United States were identical in the matter; that the business of sealing would be lost to the Canadians by the extinction of the seals, as well as the handling of the product in London. I mentioned the 1st of May as the date of sailing of the patrol fleet and of the departure of the sealing vessels, and explained the urgency of the President in requesting immediate light upon the intentions of the British Government, so that if they should unfortunately conclude to decline the suggestion of the President for a modus vivendi he might be free to take such other measures for the protection of the seals as the exigencies of the case might seem to require.

Sir Thomas Sanderson said the information in the possession of the British Government led them to a conclusion altogether different; that while there might be a certain diminution in the numbers of the herd, there was no danger of entire extermination; that the number of sealing vessels was considerably diminished from that of last year; that with the diminution of the seals pelagic sealing would doubtless become less profitable and would gradually be given up, and that those engaged in the land-killing of seals would then have control of the business. He said that the fact of the sealers starting about the 1st of May was less important in view of the fact that they went first to the coast of Japan and could be communicated with, if necessary, later on.

Referring to the mention of the reports from the British commissioners, I said that the conclusion of Mr. Thompson did not seem in entire accordance with the facts on which they were based. His statistics showed great mortality among the young seals, which apparently was caused by starvation.

In reply to my repeated solicitations for an early answer he said Lord Salisbury would not arrive until about the 1st of May; that the matter could not be fully brought before him until his arrival; but he proposed to consult with the colonial secretary, Mr. Chamberlain, and with Mr. Bertie, who had been paying especial attention to the matter. He regretted the absence of Mr. Villiers, who was particularly informed as to this subject, but who was away on a week's vacation.

Sir Thomas Sanderson then took me to see Mr. Bertie, who at the outset of our conversation mentioned the subject of compensation to interests involved in pelagic sealing. I told him that the President proposed that any modus vivendi adopted should contain equitable provision for

legitimate interests involved. He said it was not probable that the Government of Her Majesty would be inclined to make any change in the present regulations; that they did not believe the seals were in any danger of extermination; that an instruction had been sent to Sir Julian Pauncefote last Friday, which ought to be in Washington the last of this week. In reply to my inquiry as to the drift of this instruction, he said it could not be communicated until confirmed by Lord Salisbury, but that the substance of it was that the British Government saw no reason to make any change in the existing regulations. He repeated the belief of the Government that there was no danger of the extinction of the seals. I told him that the opinion of the President, derived from a careful study of the subject, was exactly the contrary.

Returning from the foreign office, I sent you the telegram, a copy of which I inclose.

I have, etc., JOHN HAY.

Mr. Rockhill to Sir Julian Pauncefote.

No. 652.] DEPARTMENT OF STATE,
Washington, April 27, 1897.

EXCELLENCY: In view of a letter from the Secretary of the Treasury of the 24th instant, I have the honor to apprise you that the President has designated the revenue steamers *Bear*, *Rush*, *Perry*, *Corwin*, and *Grant*, to cruise in the North Pacific Ocean and Bering Sea, including the waters of Alaska within the dominion of the United States, for the enforcement of the acts of Congress approved April 6 and 24, and June 5, 1894, giving effect to the award rendered by the Tribunal of Arbitration at Paris for the preservation of fur seals and the issuance of regulations governing vessels employed in fur-seal fishing during the season of 1896.

In this connection your attention is respectfully called to Article I of the British Order in Council, dated April 30, 1894, as follows:

> The commanding officer of any vessel belonging to the naval or revenue service of the United States of America and appointed for the time being by the President of the United States for the purpose of carrying into effect the powers conferred by this article, the name of which vessel shall have been communicated by the President of the United States to Her Majesty as being a vessel so appointed as aforesaid, may, if duly commissioned and instructed by the President in that behalf, seize and detain any British vessel which has become liable to be forfeited to Her Majesty under the provisions of the recited act, and may bring her for adjudication before any such British court of admiralty, as is referred to in section 103 of "The merchant shipping act, 1854" (which section is set out in the second schedule to the recited act), or may deliver her to any such British officer as is mentioned in the said section, for the purpose of being dealt with pursuant to the recited act.

Asking that the foregoing information may be imparted to Her Majesty's Government,

I have, etc., W. W. ROCKHILL, *Acting Secretary.*

Sir Julian Pauncefote to Mr. Sherman.

WASHINGTON, *April 29, 1897.*

SIR: I have the honor to inform you that I communicated to my Government the contents of your note No. 643, of the 16th instant, stating that orders would be issued to the authorities on the Pribilof

Islands to extend to Professor Thompson the same facilities as were granted to him during his visit last year.

I am now informed by Lord Salisbury that it is proposed that Mr. Macoun, who accompanied Professor Thompson last year, should again act under his direction and with his assistance.

I venture, therefore, to ask you to be good enough to extend to Mr. Macoun the same facilities as have kindly been accorded to Professor Thompson, in order that Mr. Macoun may be enabled to commence his investigations prior to Professor Thompson's arrival on the islands.

Lord Salisbury further informs me that Professor Thompson proposes to visit the Russian islands first. He hopes to reach Yokohama on about the 30th proximo and to proceed to the Russian islands, where he will remain until about the end of July.

I am directed by Lord Salisbury to inform you, in communicating the above intelligence, that if Dr. Jordan wishes to join Professor Thompson, a passage from Yokohama to the Russian islands could be provided for him on board one of Her Majesty's ships.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Hay to Mr. Sherman.

No. 18.] AMERICAN EMBASSY,
London, May 1, 1897.

SIR: I have the honor to call your attention to the inclosed article from the Saturday Review, which will show that public opinion in England is not entirely unanimous in favor of the claims of Canada and of the action of the British Government in declining to consider the subject of new regulations for the protection of seal life.

I have, etc.,

JOHN HAY.

[Inclosure.—The Saturday Review, April 24th, 1897.]

The Passing of the Fur Seal.

For fully two years before our Government decided to dispatch a party of naturalists to the Bering Sea to investigate, from the British point of view, the latest phase of the sealing question, complaints had been made by both the United States and Russia that the operations of the pelagic hunters were leading to the extermination of the animals from all the breeding grounds on the Pribilof and Commander Islands. It can not be said, therefore, that we, who have a large stake in this pelagic branch of the sealing industry, have moved with undue precipitation in the investigation of what is a very important matter. Lord Salisbury might have chosen, and he may yet choose, if the commissioners so advise, to stand by the terms of the Paris award of 1893, when it was agreed that the regulations passed "for the proper protection and preservation of the fur seal in or habitually resorting to" the Bering Sea should be submitted every five years to a new examination. But this arrangement does not, of course, preclude an earlier reopening of the question if the parties concerned agree upon the necessity of such a step; and if it be true (and there can be little doubt that it is true) that the animals are diminishing in numbers at an alarming rate, it would be an obvious piece of folly on the part of Great Britain, which alone stands in the way, to insist upon the observance of the letter of the award and wait until there are no seals before taking action.

All that is wanting now before we decide upon some course is the report of the Commissioners, which should have been out long ago. Failing any mutually satisfactory basis of agreement, there is reason to fear that the extreme party in America, which country, be it noted, has never been at the pains to conceal its dissatisfaction

any longer." Mr. Shaney tells us that Professor Thompson's report will
facts showing that much damage is caused by pelagic sealing and the
nate killing of females." In that case something must be done at once.
seals are diminishing in numbers and that they have gone on diminishing
the Paris regulations are facts which unfortunately admit of little ques-
te of Sir Charles Tupper's airy denial. Less than ten years ago an approxi-
ate of the animals found on the islands of St. Paul and St. George—that is,
slands of the Pribilof group frequented by the seals—gave a total of
Certainly the rookeries and the hauling grounds were packed so closely
was literally not room enough for all the seals to live comfortably. A
nt made two years ago resulted in the enumeration of a little over 200,000.
terms of the original lease the company in possession of the islands was
to kill 100,000 bachelor males every season, and high as that limit appears,
lly small by comparison with the number of the whole herd. Down to the
pelagic sealing began to be prosecuted in the Bering Sea as well as in the
rs of the North Pacific, there was, by the admission of Sir George Baden-
nself, little apparent falling off. In 1890, the last year of the old lease,
Commercial Company found it impossible to take the number of bache-
e-katchies" permitted by law, simply because there were not 100,000 to
der the new lease to the North American Commercial Company it was
that the Secretary of the Treasury should fix the annual catch at his dis-
In 1895 Mr. Carlisle found it necessary to restrict the land catch to 15,000
s. In that same year the vessels engaged in the pelagic branch of the
umbered 97, of which 81 were employed in the award area. Between them
l and recovered 56,291 seals, or a decrease, as compared with the corrected
1894, of 5,547. That this decrease was caused by the falling off in the
h along the shores of the United States and British Columbia will be
hen we state that the catch in the Bering Sea alone after the close season
, or 12,584 more than in 1894. All this is quite independent of the Asiatic
ch did not exceed 39,003 skins, as compared with 79,305 skins taken in
rs—that is, off the Japanese and Russian coasts—in the previous season.
is regulations, it may be remembered, established a close season during
s of May, June, and July, and (among other things) made it illegal to use
r explosives in the Bering Sea, or to "kill, capture, or pursue" the seal
radius of 60 miles of the Pribilof Islands. The American Government
ng maintained that these regulations would fail to protect the herd from
truction. But the contention that the only remedy was the total prohibi-
lagic fishing north of latitude 35° N. was not reasonable; for, apart from
oly that the Americans would thereby have gained, there was no adequate
depriving the men engaged in this important branch of the trade of their
cupation. It has become apparent, however, that the regulations were
ntly stringent. During the winter months the seals take their long swims
acific. The Russian herd, which breeds on the Commander Islands, heads
urile Islands for the Japanese coast, and in the spring returns by the way
The American herd makes right across from the Aleutian Islands to the
lumbian waters and returns along the shores of Alaska, entering the Bering
by way of Unalaska. The pelagic sealers and the Alaskan Indians meet
as many as they possibly can with spears and Winchesters, register their

radius consisted of females. More than this. A seal pup deprived of its mother dies of starvation, for no other female will adopt it. Last year more than 28,000 pups were found starved to death on the Pribilof islands, because their mothers had been killed while in search of food beyond the radius. It would be an insult to the reader's intelligence to point out to him the radical defect and the ultimate outcome of a system under which this kind of thing can flourish. But the difficulty in the way of an easy and satisfactory solution is that in the water it is almost impossible to distinguish between a female and a bachelor seal. It must not be supposed, however, that the men whom the American people are fond of describing as poachers on their seal preserves are Canadians only. About one-half of them are Americans, who "steal that way year by year" from California and Oregon, and in the matter of the illicit use of firearms in the Bering Sea these Americans are notoriously the most unscrupulous. It is satisfactory to know that such repressive measures as may be adopted will operate to the disadvantage of American as well as Canadian pelagic sealers.

Mr. Sherman to Sir Julian Pauncefote.

No. 655.] DEPARTMENT OF STATE,
Washington, May 1, 1897.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 29th ultimo relating to the visit to the seal islands of Bering Sea of Professor Thompson and Mr. Macoun.

Instructions will at once be given to the authorities on the Pribilof Islands to extend to Mr. Macoun the same facilities as were granted to him during his visit last year, it being understood that the object of his visit is to act under the direction of Professor Thompson and his assistant. It will further be the pleasure of this Government to afford Mr. Macoun passage on any of the revenue vessels making voyages to those islands, should their movements suit his convenience.

Note is taken of the friendly offer of Her Majesty's Government to provide a passage for Dr. Jordan from Yokohama to the Russian Islands in a British ship, and Dr. Jordan will be so advised; but it is probable that it will not be possible at this date to avail of the offer.

I have, etc.,

JOHN SHERMAN.

Sir Julian Pauncefote to Mr. Sherman.

WASHINGTON, *May 3, 1897.*

SIR: I have the honor to acknowledge the receipt of your note, No. 655, of the 1st instant, informing me that instructions will be at once issued to the authorities at the Pribilof Islands to extend facilities to Mr. Macoun on his forthcoming visit to those islands, and conveying the friendly offer of the United States Government to provide Mr. Macoun a passage on board one of the revenue vessels.

I have had great pleasure in informing the Marquis of Salisbury of the contents of your above-mentioned note.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Sherman to Sir Julian Pauncefote.

No. 659.] DEPARTMENT OF STATE,
Washington, May 6, 1897.

EXCELLENCY: I desire to inquire whether Messrs. Macoun and Barrett Hamilton, who visited the Pribilof Islands last year, have submitted reports to the British or Canadian Governments of the result of their

observations, and, if they have made such reports, to ask that I may be furnished with copies of the same if it is the intention to make public use of them. It has been the understanding of this Department that the gentlemen named were acting as the assistants to Professor Thompson, whose report you were good enough to hand me on the 3d instant, and it is presumed their observations were embodied in that report. But if independent reports have been submitted by them and public use is to be made of them hereafter, it is but due to the scientist agents of the Government of the United States who visit the seal islands the present season that they should have the benefit of their observations for comparison and verification.

In view, therefore, of the early departure of the agents of the United States for the seal islands, I shall be much gratified if you can give me the desired information with as little delay as possible.

I have, etc.,

JOHN SHERMAN.

Lord Salisbury to Sir Julian Pauncefote.

No. 74.] FOREIGN OFFICE, *May 7, 1897.*

SIR: I have had under consideration, in communication with Her Majesty's secretary of state for the colonies, Mr. Sherman's note of the 9th ultimo on the subject of the fur-seal fishery, of which a copy was inclosed in your excellency's dispatch, No. 98, of the 13th April.

Mr. Sherman urges that all killing of fur seals should be suspended for the present, and that a joint conference of the Powers concerned should meet at an early date to agree upon the measures necessary to preserve the seals from extermination and to restore the herd to its normal conditions.

The same proposals were made in the note from the United States chargé d'affaires of the 10th ultimo, a copy of which was transmitted to your excellency in my dispatch, No. 71, of the 22d April, with instructions as to the answer to be returned to the United States Government on the subject.

Mr. Sherman, however, adduces certain statistics in support of the contention that the seals are threatened with early extermination, which makes it necessary for Her Majesty's Government to deal with his dispatch in a separate communication.

With regard to Mr. Sherman's complaint that the United States Government had not been furnished with a copy of Professor Thompson's report of his investigations last year, I have to state that Her Majesty's Government regret the delay that has occurred in the matter. It has been caused partly by Mr. Thompson's professional duties, and also by the necessity of his waiting for certain notes and information which he had asked Mr. Macoun, the agent of the Dominion Government, to furnish him. The report is, however, now in the hands of the United States Government.

Mr. Sherman proceeds to state that, in the absence of Professor Thompson's report, the President has been forced to reach his conclusions as regards the condition of the seal fishery by a careful study of Dr. Jordon's report and other ascertained facts and statistics. It is to be regretted that Mr. Sherman has not referred to the passages in Dr. Jordan's report on which the conclusions of the President have been arrived at. So far as Her Majesty's Government can judge in the

absence of such indications, the President's conclusions would appear to be based only on general assertions and deductions in that report.

Mr. Sherman states that Dr. Jordan's report shows conclusively that there has been a distinct and steady decrease both in the total number of breeding seals and in the number of harems of breeding cows in the season of 1896 as compared with that of 1895, and that it further conclusively appears from the report that this diminution has been caused by pelagic sealing.

Dr. Jordan, however, states on page 21 as follows:

> In 1895 Mr. Murray made a careful count of the number of harems of the two islands, finding 5,000 in all. At the same period in 1896 he found that the number of harems was reduced to 4,853; a loss of 3⅕ per cent, the number of bulls without harems having increased 7 per cent.

On page 16 Dr. Jordan himself gives the number of harems in 1896 as 5,009; a small increase on Mr. Murray's count of 5,000 in 1895, instead of a decrease of less than 3 per cent (not 3⅕ per cent, as calculated by Dr. Jordan). Similarly, as regards the number of breeding cows, Dr. Jordan's count, as recorded on page 16, gives 81,793 for 1896; while the figures for 1895 as given by himself on page 20 were only 70,423. The state of the rookeries in 1895 as compared in 1896 is fully dealt with by Professor Thompson, and is referred to in my dispatch No. 71 of the 22d ultimo, and it is therefore unnecessary to discuss the matter at length. That report also deals, so far as the information at present available is concerned, with the question of the mortality of pups owing to the killing of their mothers at sea, and the general conclusions at which he arrived, as set forth on page 25 of his report, show that the number, 14,473, at which Mr. Sherman places the deaths from this cause, must be subject to very large deductions.

It may be the case, as stated, that it was as easy in 1880 to procure 100,000 skins on land of the same quality as those taken during the season of 1896 as it was to obtain the catch of last year, viz, 30,000; but it must not be forgotten that in 1890 not even 30,000 skins could be obtained. The question of the comparative ease or difficulty with which a stated catch was obtained in two years so far apart as 1880 and 1896 would, even if the same individuals were employed on each occasion, be an uncertain foundation on which to base any estimate of the comparative numbers of the herd. But Her Majesty's Government have never denied that the herd has diminished largely since 1880, though they maintain that any share pelagic sealing may have had in bringing about that decrease is insignificant compared with that of other causes which appear to be overlooked in the United States.

If, as alleged, the number of breeding females in 1880 was four times as many as in 1896, or 600,000 in the former year and 150,000 in the latter, while in 1890 there were 280,000, the figures completely negative the conclusion that pelagic sealing has been the cause of the decline, for in the eleven years—1880 to 1890—while the herd was reduced, according to Dr. Jordan's estimate, by 320,000 breeding females, only 246,902 seals were killed at sea, while in the period 1891 to the end of the spring season of 1896 the pelagic catch reached a total of 269,388, and during this period the decrease in the number of breeding cows was only 130,000.

A herd of 600,000 breeding cows should mean, according to Dr. Jordan's estimate, an annual addition of 100,000 breeding cows to the rookeries, yet in the eleven years—1880 to 1890—while the pelagic catch only averaged some 22,000 a year, there was not only no addition to the rookeries, but an average annual decrease of some 30,000. If this enor-

mous loss were entirely due to pelagic sealing, as Dr. Jordan maintains, it would have doubled when pelagic sealing doubled, and the herd ought to have ceased to exist some years ago, yet during the years which followed, with a herd supposed to range from 280,000 to 150,000, with an annual addition of cows to the rookeries which should, if Dr. Jordan is correct, have been from 48,000 to 25,000, the pelagic catch has averaged about 50,000 a year, yet the loss to the rookeries has been only some 25,000.

These statistics of Dr. Jordan's, as set forth in his report, prove clearly that the loss to the herd in the period during which pelagic sealing has been a large factor in the influences affecting it has been insignificant compared with the destruction which went on prior to 1890 on the islands, and that the effect on the herd of that mode of sealing is much less serious than that of killing on land restricted to males only.

The frequent occurrence, moreover, of seasons characterized like that of last year by weather during which sealing operations at sea are interrupted affords a natural protection to the herd from exhaustion by pelagic sealing. The difference between the spring catch on the northwest coast in 1895 and 1896 furnished an excellent illustration—52 vessels in the former year securing only 8,383 skins, while 41 vessels in 1896 secured 11,786 skins. The falling off in the Bering Sea catch last season, which Mr. Sherman cites as due to the reduction of the herd, was, according to the information in the hands of Her Majesty's Government, fully explained by the interruptions due to bad weather; and as the great fall in the price of skins has led to a smaller number of vessels fitting out for the fishery this year, their contention that there is no immediate danger to the herd, so far at any rate as pelagic sealing is concerned, appears to be fully justified. But if the proceedings which led to the wholesale reduction of the seals between 1880 and 1890 are resumed, and all the best young male life is destroyed, there can be no question that the herd will at an early date cease to be of commercial importance.

In Mr. Sherman's note the killing of 30,000 males last year is justified on the ground that "it was plain upon scientific investigation that the dangerous mortality among female seals brought about by pelagic sealing had left the number of bulls greatly in excess of the due proportion between the sexes," and that "to properly care for the herd it became necessary to remove as far as possible this menacing excess of male life upon the islands."

If there was such a "menacing" excess of bulls, it is unfortunate that instead of attempting to reduce the excess, the killing was confined to males who would not become "bulls" able to take a place on the rookeries for another three years, during which period, so far as the killing of 1896 is concerned, the alleged excess of bulls on the rookeries will continue.

Mr. Sherman, in the conversation reported in your excellency's dispatch No. 96, of the 9th April, pointed out that Great Britain was quite as much interested as the United States in the recuperation of the fur-seal species.

As a matter of fact, the interest of this country has now for some years exceeded that of the United States, and should the herd be destroyed, a large amount of British capital will be lost, and a large number of British subjects thrown out of employment. They have therefore reason to be more anxious for the establishment of proper regulations than the United States, but the examination of the reports

of last year's investigations, while it has shown that there is no indisputable evidence that the herd has quite recently been decreasing, and that there is no ground therefore for immediate alarm, has also shown that all previous statements as to the numbers of the herd have been conjectural, and that there is consequently no means available for testing the efficiency of the existing regulations, or for showing the direction which any amendment of them should take.

To enable a thoroughly satisfactory revision of them to be made accurate statistics should be available, extending over a sufficient period to eliminate accidental circumstances affecting the herd during the greater part of its life, which is spent where observation is impossible.

Until such observation is available, it would, in the opinion of Her Majesty's Government, be premature to enter upon the proposed conference to discuss measures based on conjectures admitted to be of doubtful value, and the interests of this country in the question are too serious to warrant Her Majesty's Government in imperiling them by the adoption of any hasty decision.

Your excellency will read this dispatch to Mr. Sherman and leave a copy of it with him should he desire it.

I am, etc., SALISBURY.

Mr. Sherman to Mr. Hay.

No. 28.] DEPARTMENT OF STATE,
Washington, May 10. 1897.

SIR: The British ambassador called upon me on the 3d instant and handed me a copy of a dispatch to him from Her Majesty's principal secretary of state for foreign affairs, bearing date the 21st ultimo. This dispatch constitutes the reply of the British Government to the proposals of the President, as presented in the note of your embassy of the 10th ultimo, for a *modus vivendi* for the suspension of all killing of seals for the present season, and for a joint conference of the Powers concerned with a view to the necessary measures being adopted for the preservation of the fur seal in the North Pacific. It will be seen that both proposals are rejected.

I need hardly say that the President is greatly disappointed at this action, especially when it is based upon such unsubstantial and inadequate reasons. The President's concern, in view of the depleted condition of the seal herd, was occasioned not alone from an examination of Dr. Jordan's report of 1896 and what he had reason to suppose were the conclusions of Professor Thompson, but it was based upon a series of observations and statistics covering a much longer period than that treated by those gentlemen, establishing a state of facts beyond refutation and which is in part set forth in my note to the British ambassador of the same date as my cablegram to you. It is therefore quite surprising that Her Majesty's secretary should base his rejection of the proposals of this Government, so impressively presented, upon the report of one scientist whose facts and conclusions are incorrectly apprehended and the delayed report of another, which is for the first time made public concurrently with the receipt of his lordship's note.

It would have been gratifying to me and useful to my Government, in studying the important subject under consideration, if Professor Thompson's report could have been made public with the promptness which marked the appearance of that of Dr. Jordan. In that case

there would have been ample time for both Governments to have examined the reports of these two eminent scientists before the opening of another sealing season. But it seems to have better suited the purposes of Her Majesty's Government to withhold Professor Thompson's report until an opportunity was afforded to examine that of Dr. Jordan, and thus enable the former to pass the latter in review, criticise its statements, and as far as possible minimize its conclusions. It is not pleasant to have to state that the impartial character which it has been the custom to attribute to the reports of naturalists of high standing has been greatly impaired by the apparent subjection of this report to the political exigencies of the situation. It is further to be regretted that the report was so long delayed that no opportunity was afforded this Government to examine it before the definite and final rejection of the President's proposals, based mainly upon its conclusions, was communicated to me. This conduct recalls the incident which preceded the arbitration at Paris, and which came near rendering that arbitration abortive, when a similar report of a British commission was withheld until after the case of each Government was exchanged and the report of the American commission made public.

Lord Salisbury asserts that Dr. Jordan's report does not contain any facts warranting the statement that there is a "depleted condition and prospective early extinction of the herd." The note of your embassy of the 10th ultimo does not attribute such a statement to Dr. Jordan, but it is difficult to understand how anyone can read his report without reaching the conclusion that such is the real condition of the herd. On page 18 he says: "From this time (1886) on the decline has been more rapid and *has been continuous.*" On page 21 he clearly recognizes diminution, as evidenced by photographs, as also by decrease of harems. On page 66 he uses this expression: "As the herd *is steadily diminishing*, the spring or northwest catch is becoming relatively unimportant." Other citations might be made, but it would seem unnecessary in view of his declarations, often repeated in his report, respecting pelagic sealing, from which I give only one extract (p. 29): "Pelagic sealing, in the judgment of the members of the present commission, has been *the sole cause of the continued decline* of the fur-seal herds. It is at present the *sole obstacle* to their restoration and the sole limit of their indefinite increase. It is therefore evident that no settlement of the fur-seal question as regards either the American or Russian islands can be permanent unless it shall provide for the cessation of the indiscriminate killing of fur seals, both on the sealing grounds and on their migrations. There can be no 'open season' for the killing of females if the herd is to be kept intact."

Professor Thompson's report is plainly written with a view to minimize as far as possible the depleted condition of the herd on the Pribilof Islands, and requires a critical examination not possible within the limits of the present instruction, but its general purport may be briefly stated. It is to be regretted that he should have contracted his study far within the purview of his instructions. In the outset of his report he says: "The main object of my mission was the collection of information and statistics with regard to the working and effectiveness of the regulations" of the Paris Tribunal. But we look in vain in his report for any discussion of that all-important subject. He confined his inquiry and report to the subordinate subject of the number of seals resorting to the islands and particularly to the relative numbers in 1895 and 1896. The result of his observations and inquiry seemed to be that on some rookeries there was an increase and on others a decrease,

but on the whole a possible state of equilibrium for the past two years, although he concedes a diminution as compared with 1892. If all the professor claims is admitted, it does not militate against the contention that since pelagic sealing became general the decline of the herd has been steady and rapid. The apparent equilibrium noted in his report is well explained by Dr. Jordan when he says (p. 18): "There is evidence that the *modus vivendi* of 1892–93, by which Bering Sea was closed to the sealing fleet, has produced for 1895 and 1896 a slight check of the diminution. The reason for this is that in addition to the saving of mothers no pups were starved to death in 1892 and 1893, and those which might have been starved have returned as breeders or as killable seals in 1895 and 1896." Since the receipt of Lord Salisbury's dispatch explicit inquiry has been made of Dr. Jordan as to the relative condition of the herd in 1895 and 1896 and in previous years, and he has furnished the chapter on the "Decline of the herd," from the forthcoming final report of himself and associates, from which the following extract is taken: "While the amount of the decline can not be stated with mathematical exactness, it is possible from the data at hand to make an approximate estimate. From a careful study of all the conditions, in our opinion the fur-seal herd of the Pribilof Islands has decreased to about one-fifth its size in 1872–1874; to somewhat less than one-half its size in 1890; and that between the seasons of 1895 and 1896 there has been a decrease of about 10 per cent."

Although Professor Thompson has been very careful throughout the report to say nothing likely to embarrass his Government, in the "conclusions," the voice of the true scientific investigator speaks in firm and certain tones. While he regards "the alarming statements * * * of the herd's immense decrease" as overdrawn, he says "there is still abundant need for care and for prudent measures of conservation in the interest of all. * * * It is not difficult to believe that the margin of safety is a narrow one, if it be not already in some measure overstepped. We may hope for a perpetuation of the present numbers; we can not count upon an increase. And it is my earnest hope that a recognition of mutual interests and a regard for the common advantage may suggest measures of prudence which shall keep the pursuit and slaughter of the animal within due and definite bounds." In view of such explicit language it is not easy to understand how Lord Salisbury can reconcile his refusal to entertain the proposals of the President with the interests of his own countrymen, to say nothing of the friendly relations which he desires to maintain with the United States, Russia, and Japan.

The experience had with the scientific commissions of 1892, as well as the reports of 1896 just under review, shows that it is difficult through them to reach a harmony of views; but we have at hand certain statistics of undisputed authority pointing unmistakably to conclusions which should be controlling.

The operations of the pelagic fleet in Bering Sea since the Paris regulations have been in force are as follows:

1894, thirty-seven vessels, 31,585 seals taken, or an average of 853 per vessel.

1895, fifty-nine vessels, 44,169 seals taken, or an average of 748 per vessel.

1896, sixty-seven vessels, 29,500 seals taken, or an average of 440 per vessel.

It thus appears that nearly double the number of vessels in 1896 were not able to take as many seals as were taken in 1894, and the catch per

vessel fell off nearly one-half. Lord Salisbury attributes this large falling off in Bering Sea "to the stormy weather prevailing," but does not cite his authority. I am not aware of any published report to that effect. Captain Hooper, who commanded the American cruising fleet in Bering Sea in 1895 and 1896, reports: "The weather in Bering Sea was not materially different in the past two years. Conditions admitted of boarding operations by the fleet twenty-five days in 1895 and twenty-four days in 1896." An examination and comparison of the logs of sealing vessels for 1895 and 1896 confirm Captain Hooper's report. The above figures, with the statistics contained in my note of the 9th ultimo to the British ambassador, make it very clear that the seal herd is becoming rapidly depleted, and that "the margin of safety," as Professor Thompson expresses it, has been "already overstepped." It is to be inferred that "the margin of safety" is intended to signify the point at which pelagic sealing ceases to be profitable. He can not have in mind biological extermination, for that point could not have been reached so long as a single bull and harem existed. The point when sealing ceased to be profitable seems to have been reached during last year. A table appended to his report shows that the product of the pelagic catch of 1896 in the London market was about half the amount of that of 1895, and Lord Salisbury informs us that this result has "brought many owners of the sealing vessels to the verge of bankruptcy." It thus appears that the condition of things predicted by the Government of the United States, as quoted below, has already come to pass—the commercial extermination of the seals. If pelagic sealing continues to be tolerated, a limited number of vessels will carry on the indiscriminate slaugher in the hope, by a favorable cruise, of recouping the losses of the previous year, and the rookeries on the islands will be still further depleted. But the biological existence of the fur seal may still be continued and Her Majesty's ambassador may repeat the declaration so often made during the past two years that there is "no reason to fear that the seal herd is threatened with early extermination."

In this connection it may not be unprofitable to recall the action of the two Governments respecting the efforts made to revise the regulations adopted at Paris. The expressed object of the Paris Arbitration was "the preservation of the fur seals," and the regulations adopted by the Tribunal were framed with a view to "the proper protection and preservation of the fur seal * * * resorting to Bering Sea." On January 23, 1895, Secretary Gresham addressed a note to the British ambassador stating that the first year's experience had "convinced the President that the regulations enacted by the Paris Tribunal have not operated to protect the seal herd from the destruction which they were designed to prevent," and he asked that a commission of scientists and experts be appointed by the Governments of the United States, Great Britain, Russia, and Japan to report upon the proper measures to be adopted, and pending the deliberations of the Governments a modus vivendi be agreed upon suspending sealing in Bering Sea. Nearly four months elapsed without an answer from the British Government, when, on May 14, 1895, a second note was sent, reiterating the President's solicitude, urging a reply, and predicting that unless some further restrictions were adopted the seals would "be exterminated for all commercial purposes within a very few years." On May 27 the British answer was received, in which it was complacently stated "that the condition of affairs is not of so urgent a character as the President has been led to believe," and that there was no "such urgent danger of total extinction of the seals as to call for a departure from the arbitral

award by which the two nations have solemnly bound themselves to abide."

Secretary Olney, June 24, 1895, by direction of the President, renewed the proposition in different terms, but the British Government repeated its declination to make "any extension of the regulations solemnly laid down by an international board of arbitration."

After a second year's experience of the regulations, Secretary Olney, March 11, 1896, called the attention of the British ambassador to the catch of 1895 in Bering Sea (the largest ever made in that sea) and expressed the hope that the British Government would realize "the absolute necessity of consenting for the coming season to some further regulation * * * to the end that the valuable herd be saved from total extinction." On the 27th of April, Sir Julian Pauncefote replied that Her Majesty's Government saw no reason to believe the catch in Bering Sea was "so large as to threaten early extermination," and that there was no "necessity for the immediate imposition of increased restrictions."

This correspondence is recalled to show that from the first year the Paris regulations were put in force each succeeding President and Secretary of State has been firmly convinced that they were inadequate for the purpose for which they were adopted, and that the British Government has just as firmly resisted all overtures for even a conference of the governments concerned for the purpose of considering whether further regulations were required to protect the seals, and has rested its refusal upon "the arbitral award by which the two nations have solemnly bound themselves to abide."

In view of this attitude of the British Government, I deem it opportune to make an examination (even at the risk of being somewhat tedious) into the manner in which it has responded to the action of the Paris tribunal, and to what extent and in what spirit it has observed the decision and recommendations of that tribunal.

A perusal of the protocols of that Tribunal will show that the preparation of the regulations was intrusted to the three arbitrators nominated by the neutral Governments, and when their unanimous report was presented, it was provided in article 2 that the regulations should be applied to all the waters of the Pacific Ocean and Bering Sea north of the thirty-fifth degree of north latitude, thereby including all the waters east of Japanese and Russian territory. Lord Hannen, the British arbitrator, objected to this provision and moved an amendment limiting the area to all that part of the ocean and sea east of the one hundred and eightieth meridian. Baron Courcel, president of the Tribunal, stated on behalf of the neutral arbitrators that, in framing article 2, "they had acted out of regard for Russia and Japan, powers not represented before the Tribunal of Arbitration, and toward the waters of whom it appeared not equitable to drive back the English and American pelagic sealers during the whole time of the close season." But he acquiesced in Lord Hannen's amendment and it was adopted. (Protocol LIV.) It is plain from the proceedings that the Tribunal regarded the extension of the regulations to the Asiatic waters as a matter of justice to Russia and Japan, and they would have been so extended if those powers had been parties to the arbitration.

When, in accordance with Article VII of the treaty of 1892, the Russian and Japanese Governments were approached with a view to securing their adhesion to the regulations, they both replied they could only do so on their extension to the Asiatic waters. Secretary Gresham reports that as early as October, 1893, he verbally brought this attitude

of the subject to the attention of the British ambassador, who recognized the force of the position assumed and said the situation seemed to suggest the propriety of a treaty between the four powers "for the preservation, for their common benefit, of the fur seals between the two continents and north of the thirty-fifth degree of north latitude."

Mr. Bayard was instructed, October 27 and November 20, 1893, to seek to bring about such an arrangement or treaty; January 23, 1894, Mr. Gresham brought the subject to the attention of the British ambassador, and on May 2, no answer being received, the proposition was again urged. Secretary Olney brought the subject again to the attention of the British Government in a note dated June 24, 1895, the proposition being presented in a new form; and on August 19 a general negative reply was made to Mr. Olney's note.

Under date of April 2, 1896, Secretary Olney informed Mr. Bayard that the Russian Government was about to initiate negotiations at London for the extension of the Paris regulations over the Asiatic waters, and at the request of the Government Mr. Bayard was instructed to cooperate in such negotiations. Mr. Bayard at once put himself in communication with the Russian ambassador, but on May 14 he was informed by Lord Salisbury that Her Majesty's Government had decided to dispatch a naturalist to the Russian seal islands, and that pending the receipt of his report his Government would not enter upon negotiations. The British naturalist returned to London in October, 1896, but up to this date his lordship has given no indication of a desire or intention to open the negotiations. In fact, the dispatch to which I now reply rejects the proposition of the President for a similar conference or negotion. The effect of Lord Hannen's amendment of article 2 of the regulations has been to bring about the state of affairs which the neutral arbitrators desired to avoid, to wit, to transfer the sealing vessels to the Asiatic waters during the closed season in the American waters, which they expected would be prevented by negotiations between the interested Governments. Such negotiations Great Britain has steadily omitted and declined to enter upon.

Again, the arbitrators appended to their decision or award a series of declarations, not binding upon the contracting governments, but which were recommended for their adoption. The American arbitrators at once accepted the declarations, but Lord Hannen hesitated to accept the second paragraph, which is as follows:

> In view of the critical condition to which it appears certain that the race of fur seals is now reduced, in consequence of circumstances not fully known, the arbitrators think fit to recommend both Governments to come to an understanding in order to prohibit any killing of fur seals, either on land or sea, for a period of two or three years, or at least one year, subject to such exceptions as the two Governments might think proper to admit of.
>
> Such a measure might be recurred to at occasional intervals if found beneficial.

Lord Hannen declared that, "although approving the spirit in which it (the second paragraph) is conceived, and although regarding as very desirable that the destruction of the fur seals might be entirely suspended during a certain period of time, so as to enable nature to retrieve the losses which this race of animals has undergone, he does not feel authorized by the terms of his mandate to express an opinion on the subject;" and the Canadian arbitrator concurred with his British colleague. (Protocol LIV.)

Immediately after the receipt of the official copy of the award and declarations, September 12, 1893, Secretary Gresham cabled instructions to Mr. Bayard to ask the concurrence of Great Britain in the

enforcement of the second declaration. Mr. Bayard reported, September 13, that he had made known his instructions to the British Government. No answer having been received on this point, Secretary Gresham repeated the offer to Sir Julian Pauncefote January 24, 1894. I do not find that response to this proposition was ever made. The wisdom of the recommendation is abundantly proved by the experience of the past three years, and it strongly supports the repeated applications which have been made by the Government of the United States for a modus suspending all killing of the seals until a conference could be had to readjust the Paris regulations.

The indifference with which the British Government treated the repeated appeals of this Government for prompt action toward the adoption of measures to enforce the regulations "solemnly laid down by an international board of arbitration," illustrates the measure of respect entertained for that august Tribunal. On September 12, 1893, within a month after the award had been rendered, Secretary Gresham instructed Mr. Bayard by cable (cited above) to inform the British Government of the desire of the Government of the United States to take up without delay the subject of the enforcement of the regulations, so as to make them effective before the next sealing season. This notice was given to the British foreign office September 13, more than three months before the opening of the sealing season. No progress having been made, November 17, Secretary Gresham cabled Mr. Bayard that the President was anxious that an agreement on this subject should speedily be reached. On the 4th of December, Secretary Gresham consented, at the desire of the British Government, that the negotiations might be transferred to Washington, but he gave notice to Lord Rosebery that "the rapidly shortening interval before the next season will commence admonishes both Governments to expedite the negotiations." On the 24th of January, 1894, the Secretary addressed an urgent note to the British ambassador, complaining that nothing had yet been accomplished, and the time lost had brought them "to the opening of another sealing season without any definite steps having been taken for the execution of the Paris award." A month later, February 22, the Secretary cabled Mr. Bayard that, in answer to his repeated inquiries, the British ambassador informed him he was still without instructions, and he was directed to say "this long delay is difficult to understand, and it is the President's desire that you represent the matter impressively to Her Majesty's Government." On March 17, Secretary Gresham sent another urgent cablegram to Mr. Bayard, complaining of still further delay, for which "this Government is not responsible," and which was threatening to "become embarassing for both Governments." The negotiations were not entered upon until six months after they were invited by the United States; the British act (April 23, 1894) to enforce the regulations was not passed until four months after the sealing season had opened, and the final order in council (June 27, 1894) on the subject was not issued until six months after the sealing fleet had put to sea in disregard of the award of the Tribunal.

The manner in which the British Government has discharged its police duties under the award is in marked contrast with its appeal for a strict observance of the five years' period of the regulations. An equal obligation rests upon each Government to patrol the waters embraced in the award area, in order to see that the regulations are not violated by the sealing vessels. In 1894 the Government of the United States furnished twelve vessels for the patrolling fleet, at great expense, and only one vessel was furnished by the British Government. In 1895

ier Majesty's Government understood that the American cruisers were to perform the patrol duty and the British cruiser to take and act upon the validity of seizure of British vessels.

e detailed enforcement of the regulations has further developed e part of the British Government a strange misconception of the spirit and intent of the arbitrators. Under article 6 of the regu- is the use of firearms in Bering Sea was prohibited, and to enforce prohibition it was agreed between the two Governments for the 1894 that sealing vessels might have their arms and ammunition d under seal. But on May 11, 1895, although this Government very reason to believe from the order in council that the British rnment had given its concurrence to the arrangement, the British ssador gave notice that his Government would not renew the gement as to the sealing of arms for the coming season, and ded its action on the ground that the possession of arms, etc., by ling vessel was "not forbidden by the award regulations."

is tardy action of the British Government in refusing to renew the gement of 1894 led to much trouble and inconvenience in connec- with the patrol of Bering Sea. The British Government made ous complaint against the severe measures of search resorted to e American cruisers, which gave rise to a lengthy correspondence. ily 2, 1896, Secretary Olney submitted a proposition to put an end e controversy by an examination of vessels entering Bering Sea n inspection by a representative of the United States at British nbian ports of all skins taken in Bering Sea, to discover whether firearms were used; but this proposition was not accepted. A er attempt was made by Secretary Olney to procure some agree- for the season of 1897, when it was urged that American vessels enting Bering Sea were required to have their arms sealed, and on ning to their home ports their skins were carefully inspected, while Majesty's Government refuses to enforce the provision as to arms leclines the inspection of skins—measures which this Government ds as "absolutely essential for preventing the unlawful destruc- of the seals." Nevertheless, another season has been entered upon out any settlement of this vexed question.

this connection, I recall the serious defect, pointed out in the cor-

British act of 1894 for the same purpose contained no provision whatever as to presumptive guilt respecting the possession of firearms or skins at forbidden times or in forbidden waters. And to emphasize its purpose in the matter, when the British act to enforce the Russian agreement was reenacted in 1895, the provision of the act of 1893 as to presumptive illegality was omitted. This action of the British Government was made the subject of an earnest protest on the part of my predecessor, but to no purpose. The practical effect is to make it impossible in many cases to convict British sealing vessels, although there may be the strongest presumptive evidence of guilt, evidence which, under the act of Congress, would in most cases procure the conviction of an American sealing vessel.

I shall only cite one further instance of the failure and refusal of the British Government to give full effect to the Paris regulations. Article 5 provided that the vessels engaged in sealing should enter daily in their official log books the number and sex of the seals taken and that these entries should be communicated by each Government to the other at the end of each season. This regulation was prescribed in order to procure reliable statistics as to the proportion of female seals killed, but it was found to be unsatisfactory and imperfect in its practical operation. The catch of American vessels was subjected to an official inspection at the home port, and it was found that they reported a much greater proportion of female seals taken than the British sealers. Although in many instances the British sealers were close to the American sealers, yet the American sealers reported from two to five times as many females as males, a result entirely at variance with the British returns. This state of facts led the Acting Secretary of State, May 10, 1895, to request of the British Government their consent to the stationing of United States inspectors at British Columbian ports for the purpose of verifying the log entries of British sealing vessels, with the offer of a reciprocal privilege in American ports to British inspectors. No answer having been received, on September 13 and again on September 18 the request made in the previous May was renewed. On the 24th of September the British ambassador replied that the request for inspectors was not acceptable to Her Majesty's Government "on the ground that the matter is already provided for by the award regulations, the sealers being bound themselves to keep a record of sex."

The measure was regarded by this Government as so important that, December 15, 1896, Secretary Olney recalled it to the attention of the British ambassador in connection with the sealing of arms. The answer of the British Government to this second application was that "the compulsory examination by experts of skins on landing at British ports would require legislation in Canada," and that the views of the Canadian Government would have to be ascertained. In answer to the inquiry of Secretary Olney on January 23, 1897, as to when the Canadian Government was likely to take action, the ambassador replied on March 24 that Her Majesty's Government were "still in correspondence with the Canadian Government" and that a further communication would be made as soon as possible. No further communication has been made.

I regret that this statement has become so lengthy, but in view of the fact that the British Government, when pressed for a remedy to well-established defects in the regulations or the acts and rules agreed upon for their enforcement, has appealed to "the arbitral award by which the two nations have solemnly bound themselves to abide," I have felt the present occasion opportune to make a review of the events which have transpired since that award was rendered, and to challenge a

parison of the conduct of the two Governments with regard to the action of the International Tribunal of Arbitration. In no respect the United States Government failed to observe the exact terms of award or to accept its recommendations in their true spirit and full t, even though they have entailed heavy expense and caused great age to long-established interests of this nation.

the other hand, I think I have shown that the British Govern- has from the beginning and continuously failed to respect the real t and spirit of the Tribunal or the obligations imposed by it. This own by the refusal to extend the regulations to the Asiatic waters; e failure to put in operation the recommendation for a suspension e killing of the seals for three, for two, or even for one year; by eglect to put the regulations in force until long after the first seal-eason had been entered on; by the almost total evasion of the l duty; by the opposition to suitable measures for the enforcement e prohibition against firearms; by the omission to enact legislation sary to secure conviction of the guilty; and by the refusal to or provide for an inspection of skins in the interest of an honest vance of the regulations.

e obligations of an international award, which are equally imposed th parties to its terms, can not properly be assumed or laid aside e of the parties only at its pleasure. Such an award which in its ical operation is binding only on one party in its obligations and ns, and to be enjoyed mainly by the other party in its benefits, is ard which, in the interest of public morality and good conscience, d not be maintained. Having in view the expressed object of the ration at Paris and the declared purpose of the arbitrators in ribing the regulations, when it became apparent, as it did after irst year's operation of them and with increased emphasis each eding year, that the regulations were inadequate for the purpose, s the plain duty of the British Government to acquiesce in the st of that of the United States for a conference to determine what er measures were necessary to secure the end had in view by the ration.

course so persistently followed for the past three years has practi- accomplished the commercial extermination of the fur seals and ght to naught the patient labors and well-meant conclusions of the nal of Arbitration. Upon Great Britain must therefore rest, in public conscience of mankind, the responsibility for the embarrass- in the relations of the two nations which must result from such uct. One of the evil results is already indicated in the growing iction of our people that the refusal of the British Government to y out the recommendations of that Tribunal will needlessly sacrifice nportant interest of the United States. This is shown by the propo- n seriously made in Congress to abandon negotiations and destroy seals on the islands, as the speedy end to a dangerous controversy, ough such a measure has not been entertained by this Department. have felt assured that as it has been demonstrated that the prac- of pelagic sealing, if continued, will not only bring itself to an end, will work the destruction of a great interest of a friendly nation, r Majesty's Government would desist from an act so suicidal and so neighborly, and which certainly could not command the approval of own people.

The President therefore cherishes the hope that, even at this late y, the British Government may yet yield to his continued desire, so en expressed, for a conference of the interested powers; and, in

delivering to Lord Salisbury a copy of this instruction, you will state to him that the President will hail with great satisfaction any indication on the part of Her Majesty's Government of a disposition to agree upon such a conference.

Respectfully, yours, JOHN SHERMAN.

Sir Julian Pauncefote to Mr. Sherman.

BRITISH EMBASSY,
Washington, May 18, 1897.

SIR: I had the honor of informing you verbally on the 3d instant, under telegraphic instructions from Her Majesty's principal secretary of state, that Her Majesty's Government are prepared to agree to the renewal of the arrangement made in 1894 for the sealing up by a duly authorized officer, on the application of the master, of the arms on board a vessel proceeding to the fishery in Bering Sea, or returning to port during the close season, but that the Canadian Government found themselves unable to concur in the suggestion that the skins landed from the British sealing fleet should be examined at the port of destination by American experts. The proposals of the United States Government in regard to both these points were contained in your predecessor's note to me of December 15, 1896.

I am now in receipt of a dispatch from the Marquis of Salisbury, stating the grounds on which this decision was arrived at. As regards the proposed inspection of skins, the Canadian Government are convinced that even were it possible to establish that any punctures which might be found in the seal skins were the results of gun-shot wounds, and that they could be readily distinguished from those made by spears, it would still be impossible to prove that the animal from which the pelt was taken had been killed by means of firearms. It is a matter, it is said, of common knowledge that the skins of a large number of seals killed by spears contain shot wounds, so that no weight can be attached to any argument derived from these wounds as to the manner whereby the ultimate capture of the seal was effected. There is no means of proving that these shot wounds were not received during the migration of the seals outside Bering Sea, where the use of firearms is not prohibited, or that they may not have been inflicted by the crew of a vessel other than the one by which the seal was eventually secured by the spear. Moreover, sealers, knowing that an examination such as that suggested awaited them and their destination, could readily add a spear wound to the skin had the seal been shot, thus effectually destroying the utility of any such test.

The case of the *Kate* is referred to by the Canadian authorities as illustrating the force of the above remarks. As you are aware, this vessel was seized last season because certain skins were found on board believed to have shot holes in them, though it was afterwards found that the vessel had no firearms whatever on board.

The Canadian Government are further of opinion that an examination of the salted skins when landed at the home ports would prove of little use in establishing the sex of the seals killed. They state that when the United States Treasury circular, which is referred to in Mr. Olney's note, first came into their possession, the matter was exhaustively considered and the conclusion reached that the tests therein indicated were wholly ineffective for determining the question of sex.

I have, etc.,

JULIAN PAUNCEFOTE.

Mr. Sherman to Mr. Hay.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 21, 1897.

By note dated 18th and received yesterday afternoon, British ambassador states readiness of British Government to renew arrangement of '94 for putting firearms under seal at request of masters, but that it can not agree to proposal to examine skins on landing. Copy mailed you to-day. Advise Foster as soon as he lands, so that he may wait at London until copy arrives.

SHERMAN.

Mr. Sherman to Sir Julian Pauncefote.

No. 686.]

DEPARTMENT OF STATE,
Washington, June 7, 1897.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 18th ultimo, stating that the British Government was prepared to agree to a renewal of the arrangement made in 1894 for the sealing up by a duly authorized officer, on the application of the master, of the arms on board British sealing vessels engaged in killing seals in Bering Sea during the present season or upon such vessels when proceeding to port during the closed season.

In reply, I desire to say that the Government of the United States consents that the provisions of the rules and regulations prescribed by the President under the act of Congress approved April 6, 1894, for the government of United States vessels employed in fur-seal fishing during the season of 1897 shall be extended for the remainder of the present season to British sealing vessels.

Although article 8 of the said regulations is not applicable to British sealing vessels, I respectfully suggest that Her Majesty's Government be asked to require of said vessels the information under oath called for by form catalogue 204, copies of which I take pleasure in inclosing.

In case you are authorized to accept the terms of the regulations of 1897, copy of which I also inclose, I shall be glad to cause the slight changes that it will be necessary to make to the end that the regulations may be adapted to British sealing vessels.

Asking that the matter may be given immediate attention and that I be advised of the conclusion reached so that no unnecessary delay shall arise in arriving at an understanding alike desirable to both Governments,

I have, etc., JOHN SHERMAN.

Sir Julian Pauncefote to Mr. Sherman.

BRITISH EMBASSY,
Washington, June 9, 1897.

SIR: I have the honor to acknowledge the receipt of your note, No. 686, of the 7th instant, in reply to mine of the 18th ultimo, in which I informed you that Her Majesty's Government were prepared to agree to a renewal for the season of 1897 of the arrangement made in 1894

relating to the sealing up of arms, etc., with a view to the protection from unnecessary interference of sealing vessels proceeding to the fishery in Bering Sea, or returning to port during the close season.

You now inform me that the United States Government consent to extend to British vessels the regulations prescribed by the President under an act of Congress for United States vessels during the fishery season of 1897 (a copy of which you inclose), and you inquire whether I am authorized to accept the terms of those regulations, in which case certain changes would be made in them so as to adapt them to British vessels.

I have the honor to state in reply that I have no authority to agree to the application of those regulations to British sealing vessels. The latter are governed by regulations of a similar character prescribed under powers derived from a British act of Parliament, and any extension or alteration of them imposing any new restrictions or obligations would require the sanction of a further British order in council.

The arrangement of 1894 as to the sealing up of arms, being of an entirely voluntary character, required no legislatión, and it can be renewed for the present season merely by instructions to the naval or other officials charged to carry it out. I should be much obliged if you would be good enough to inform me whether the proposal on the subject conveyed to you in my vote of the 18th ultimo is agreeable to your Government.

In the meanwhile I shall not fail to transmit your note now under reply to the Marquis of Salisbury for the consideration of Her Majesty's Government.

I have, etc., JULIAN PAUNCEFOTE.

Sir Julian Pauncefote to Mr. Sherman.

WASHINGTON, *June 13, 1897.*

SIR: With reference to your note, No. 652, of the 27th of April last, giving the names of the United States revenue steamers which will cruise in Bering Sea during the sealing season, I have the honor, by direction of the Marquis of Salisbury, to inform you that the sloop *Wild Swan*, Commander Napier, and the gunboat *Pheasant* will be employed in Bering Sea on patrol duties this season on behalf of Her Majesty's Government.

I have, etc., JULIAN PAUNCEFOTE.

Mr. Sherman to Sir Julian Pauncefote.

No. 699.] DEPARTMENT OF STATE,
Washington, June 15, 1897.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 13th instant, giving the names of the British vessels which will be employed in Bering Sea on patrol duties this season on behalf of Her Britannic Majesty's Government.

I have, etc., JOHN SHERMAN.

Mr. Sherman to Sir Julian Pauncefote.

No. 704.] DEPARTMENT OF STATE,
Washington, June 18, 1897.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 9th instant, in reply to mine of the 7th, in which you state that British sealing vessels are now subject to regulations prescribed under acts of Parliament, and that any extensions or alterations imposing any new restrictions would require a further order in council to bear any force or validity. You further state that the regulations prescribed for American sealing vessels for the season of 1897 go beyond the scope of the so-called arrangement of 1894, and therefore in the absence of a new order in council you are not empowered to agree upon said regulations. You conclude by stating that the arrangement of 1894 was of a largely voluntary nature, and you ask whether your proposition to agree to a renewal of such arrangement is acceptable to my Government.

I have the honor to reply that I am well informed that the regulations for 1897 now applicable to American sealing vessels contain much that is beyond the scope of the agreement of 1894, which was merely of a temporary and provisional nature, the same being prepared hastily during the early part of May, 1894, after the sealing fleet had put to sea. It is evident, therefore, that to accept the said regulations of 1897, a new order in council will be necessary, but I had no reason to assume that your Government would not be willing to enact a proper order in council to bring about this result.

The provisions of the arrangement of 1894, as I have stated, were merely of a temporary and provisional nature. Experience has shown the necessity of further and more stringent regulations properly to carry out the true intent and purpose of the Paris award. For example, there were no provisions in the arrangement of 1894 as to lights on sealing vessels at night, nor as to storing of arms, nor as to the sworn returns required of American vessels, nor was there anything contained in said arrangement as to the inspection of seal skins landed in ports of the United States or Great Britain. The latter safeguard (the inspection of skins by pelagic inspectors) the United States regards of the utmost importance.

Even with all these precautions, however, American sealing vessels undergo rigid search when met at sea by American cruisers. If, on examination, all firearms found on board are sealed, this fact constitutes evidence that they have not been used since the sealing up for illegal purposes and may save the vessel from seizure in those cases where skins are found on board with some evidence of having been shot.

It is not unnatural that both Governments should desire that the inevitable annoyance caused by the searching of vessels should be reduced to a minimum. My predecessor, on July 2, 1896, made certain suggestions which would certainly have reduced to a minimum this annoyance, at least as regards vessels clearing direct from Victoria for Bering Sea. His suggestions were: First, that all British sealing vessels, before entering Bering Sea, should be searched at Unalaska by United States revenue officers, and the fact that they have on board no firearms should be duly certified to; secondly, that all skins landed by said vessels should be examined by expert inspectors at the home port to discover whether any had been shot. The reply of your Government, communicated by Lord Gough on September 21, 1896, was substantially to the effect that unless said preliminary search and certificate

should absolutely exempt British vessels from further search by American cruisers, the proposition could not be entertained. Your Government also declined to authorize the examination of skins landed in British ports by pelagic inspectors on the ground, among others, as stated in your note, dated May 18, that such examination was not of practical value.

Although the British Government may not consider such an inspection of value, it is to be regretted that it could not have consented to such an inspection, in view of the fact that the United States Government, advised by eminent experts, deemed it of great value, and was willing to make certain arrangements, based in part upon such examination which would, as stated above, reduce to a minimum the inevitable annoyance resulting from a search by our cruising vessels.

I regret that the views of the right of search, expressed by my predecessor in his note to you of December 15, 1896, are not agreeable to your Government. I feel constrained to state that this Government regards this right as indispensable to a proper execution of the intent and spirit of the Paris award. The fact that firearms are sealed up has not in practice released American sealing vessels from most rigid search whenever fallen in with by an American cruiser, nor should any different result follow in the case of a British sealing vessel.

In view of the fact, however, that said sealing up may be regarded oftentimes as a most important piece of evidence to prove that the vessel has not used, illegally, firearms in Bering Sea, and that sealing up may relieve the patrolling vessels of much extra trouble, this Government is willing to give to British vessels the benefit of articles 4, 5, and 6 of the regulations controlling American sealing vessels for the season of 1897, and it will accordingly so instruct its naval officers, should your Government intimate its desire to this effect; at the same time informing said officers that the fact of sealing up firearms shall afford to British vessels the same protection and immunity against seizure after search as is now afforded American vessels.

I would respectfully suggest an answer to this suggestion at your earliest convenience in order that proper instructions may be speedily prepared to officers of the patrolling fleet.

I have, etc., JOHN SHERMAN.

Sir Julian Pauncefote to Mr. Sherman.

BRITISH EMBASSY, *June 20, 1897.*

SIR: I have the honor to acknowledge the receipt of your note No. 704, of the 18th instant, in answer to mine of the 9th, in which I had the honor to inquire whether the proposal of Her Majesty's Government to renew for the fur-seal fishery season of 1897, the agreement of 1894 as to the sealing up of arms, is agreeable to your Government.

In reply to that inquiry you state that your Government is willing to give to British vessels the benefit of Articles IV, V, and VI of the regulations controlling American sealing vessels for the season of 1897.

I would beg leave to point out that the above reply hardly answers the inquiry of my Government.

The arrangement of 1894 was a reciprocal one, for the mutual benefit of the sealing vessels of both nations. Its discontinuance at the desire of the Canadian sealers has been deprecated ever since by your Government, at whose instance, therefore, it may be said it is now proposed to renew it.

The precise terms of the arrangement were settled by the then Secretary of the Treasury (the Hon. J. Carlisle) and myself, and they are to be found recorded in my note to the late Mr. Secretary Gresham of May 10, 1894.

If your Government should be disposed to renew that arrangement, as proposed by my Government, for the season 1897, there will be no difficulty in extending its benefits reciprocally to the sealing vessels of both nations.

But your counter proposal "to extend to British vessels the benefits of Articles IV, V, and VI of the regulations controlling American sealing vessels for the season 1897" is not one which I am authorized to deal with otherwise than by transmitting it to my Government by the earliest opportunity.

I have, etc., JULIAN PAUNCEFOTE.

Mr. Day to Mr. Tower.

No. 713.] DEPARTMENT OF STATE,
Washington, June 28, 1897.

SIR: I have the honor to acknowledge the receipt of the note of the British ambassador of the 20th instant, in answer to the Department's No. 704, of the 18th, relative to sealing regulations for British vessels in Bering Sea. Sir Julian Pauncefote states that the offer of the Government of the United States to give to British vessels the benefit of Articles IV, V, and VI of the regulations controlling American sealing vessels for the season of 1897 does not answer the inquiry of his Government as to whether or not this Government will accept the arrangement of 1894 for the coming season of 1897.

I have to say in reply, as stated in the Department's note of the 18th instant, that the provisions of the arrangements of 1894 were necessarily of a temporary and provisional nature, and are deemed by me inadequate to properly carry out the intent and purpose of the Paris award. I regret, therefore, to have to state the proposition to agree to a renewal of said arrangements is not acceptable to this Government.

Trusting that the decision of the British Government as to the offer to give the British sealers the benefit of Articles IV, V, and VI of the regulations of 1897 will receive early and favorable consideration, because of the limited time in which to issue instructions to carry out said regulations, I have, etc.

WILLIAM R. DAY,
Acting Secretary.

Mr. Tower to Mr. Sherman.

BRITISH EMBASSY,
Manchester, Mass., June 30, 1897.

SIR: I have the honor to acknowledge the receipt of Mr. Day's note No. 713, of the 28th instant, stating that the proposal of Her Majesty's Government for a renewal of the arrangement of 1894 relative to the sealing regulations in Bering Sea is not acceptable to your Government.

I shall not fail to bring the contents of this note to the knowledge of Her Majesty's principal secretary of state for foreign affairs.

I have, etc.,

REGINALD TOWER.

Mr. Sherman to Mr. Tower.

No. 719.] DEPARTMENT OF STATE,
Washington, July 2, 1897.

SIR: Further referring to Sir Julian Pauncefote's note of June 13 last, in which the information is contained that the sloop *Wild Swan* and the gunboat *Pheasant* will be employed in Bering Sea on patrol duties this season, I am constrained to express the deep regret of the President at the obvious inadequacy of the proposed fleet. Five vessels have been designated by the President for this purpose, and in view of the area to be patrolled and of the number of sealing vessels which have already engaged in and are preparing to fit out for sealing operations this season, the President hopes that Her Majesty's Government will decide for the present season to add to the fleet of three vessels employed last season rather than to reduce its numbers. The President believes it to be impossible properly to execute the laws enacted to enforce the Paris award unless a larger fleet be designated by Her Majesty's Government.

An early reply to this note will be appreciated as the President fears that the designation of two vessels only by Her Majesty's Government would be accepted by the sealers as evidence of an abandonment of the patrol which would render it necessary for him to detail a much larger fleet of United States vessels for this season.

It is unnecessary in this connection to repeat what I have already stated in my instruction to Mr. Hay, dated May 10, 1897, as to the inadequacy of the British patrolling fleet during the past three years in which the Paris award has been in operation.

I have, etc.,

JOHN SHERMAN.

Mr. Tower to Mr. Sherman.

BRITISH EMBASSY,
Manchester, Mass., July 5, 1897.

SIR: I have the honor to acknowledge the receipt of your note No. 719, of the 2d instant, informing me that the President "believes it to be impossible to execute the laws enacted to enforce the Paris Award unless a larger fleet be designated by Her Majesty's Government" to be employed in Bering Sea during the present season on patrol duties.

I shall not fail to bring the contents of your note to the knowledge of the Marquis of Salisbury without delay and to inform you of the reply I may receive thereto.

I have, etc., REGINALD TOWER.

Mr. Sherman to Mr. Dun.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 14, 1897.

Ascertain and cable at once whether Japanese Government has [illegible] to vessels engaged in fur-seal hunting, or intends to [illegible].

Mr. Buck to Mr. Sherman.

No. 10.] LEGATION OF THE UNITED STATES,
Tokyo, Japan, July 21, 1897.

SIR: Referring to Mr. Sherman's telegraphic instruction of date July 14, 1897, and my reply by cable of date the 15th instant, in regard to the question of bounty offered to vessels engaged in fur-seal hunting, I have the honor to inclose herewith copy of a note from Count Okuma, His Imperial Japanese Majesty's minister for foreign affairs, of date July 17, 1897, addressed to me in response to a note inclosing a copy of Mr. Sherman's instruction, referred to above, which I addressed to him on the 15th of July, 1897.

I have, etc., A. E. BUCK.

[Inclosure.]

Count Okuma to Mr. Buck.

DEPARTMENT OF FOREIGN AFFAIRS,
Tokyo, the 17th day, the 7th month, the 30th year of Meiji.

Mr. MINISTER: I have the honor to acknowledge the receipt of your excellency's note of the 15th instant, requesting an information as to whether the Imperial Government have offered or intend to offer any bounty to vessels engaged in fur-seal hunting.

In reply I beg to state that a law, No. 45, for the encouragement of deep-sea fishing was promulgated in March last, and in accordance with Imperial Ordinance No. 176, promulgated in May last in consequence of that law, a bounty is to be given to those who shall engage themselves within the stipulated limits in hunting and fishing of any of the under-mentioned description, commencing from the 1st day of April next year:

1. Whale hunting.
2. Sea-otter hunting.
3. Fur-seal hunting.
4. Shark fishery.
5. Tunny fishery.
6. Bonito fishery.
7. Cod fishery.
8. Mackerel fishery.
9. Yellow tail (seriola) fishery.
10. Squid fishery.
11. Halibut fishery.

I avail myself, etc.,

Count OKUMA SHIGENOBU,
Minister for Foreign Affairs.

Mr. Adam to Mr. Sherman.

BRITISH EMBASSY,
Manchester, Mass., July 21, 1897.

SIR: With reference to your note to Mr. Tower, No. 719, of the 2d instant, respecting the number of vessels employed on patrol duties in Bering Sea during the present season, I have the honor to inform you, in compliance with an instruction from the Marquis of Salisbury, that Her Majesty's Government have decided to send a third vessel, Her Majesty's ship *Amphion*, to Bering Sea, besides Her Majesty's ships *Wild Swan* and *Pheasant*.

I have, etc., C. F. FREDERICK ADAM.

Mr. Adam to Mr. Sherman.

BRITISH EMBASSY,
Manchester, Mass., July 30, 1897.

SIR: With reference to your note No. 713 of the 28th ultimo, and to previous correspondence respecting sealing regulations in Bering Sea, in which you proposed, on behalf of the United States Government,

that the regulations controlling American sealing vessels during the season of 1897 should be adapted to British vessels, I have now the honor to inform you, in compliance with an instruction received this day from the Marquis of Salisbury, that Her Majesty's Government regret that they are unable to accept the proposal in question.

So far as the sealing up of arms is concerned, Her Majesty's Government are of opinion that the certificate of a British custom-house officer, declaring that there are no firearms on board a vessel, constitutes in itself a sufficient guaranty. Such certificates are already carried by most British sealing vessels.

Nevertheless, instructions have been transmitted to the officers of the patrolling fleet, directing them to seal up the arms and ammunition of any British vessel which may apply to them for the purpose, and at the same time to enter the fact upon the vessel's log.

I have, etc.,

C. F. FREDERICK ADAM.

Mr. Adee to Mr. Adam.

No. 739.] DEPARTMENT OF STATE, *August 3, 1897.*

SIR: I have the honor to acknowledge the receipt of your note of July 30 last, stating that Her Majesty's Government can not accept the proposal of this Department that the regulations controlling American sealing vessels during the season 1897 should be adapted to British vessels, but that instructions have been transmitted to the officers of the patrolling fleet directing them to seal up the arms and ammunition of any British vessel which may apply to them for the purpose and at the same time to enter the fact upon the vessel's log.

I beg to inform you that the subject in question will have the further consideration of the Department.

I have, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Sherman to Mr. Adam.

No. 766.] DEPARTMENT OF STATE, *August 28, 1897.*

SIR: Referring to your note of the 30th of July last, relating to the sealing up by officers of the British patrol fleet of firearms and ammunition of British vessels engaged in sealing in Bering Sea, I have now the honor to inform you that a copy thereof was forwarded to the Secretary of the Treasury for his information and action.

In response to that note I have the pleasure of informing you that the Treasury Department has given notice to Captain Hooper, commanding the United States patrol fleet, of the intended action of the British officers respecting the sealing up of arms and ammunition, with instructions for Captain Hooper to exercise his good sense and judgment in giving to British sealing vessels searched the benefit which might properly come from the action of the officers of the British patrol fleet, although it is feared that the notice of the step taken by the British Government may reach Captain Hooper too late for the present sealing season.

I have, etc.,

JOHN SHERMAN.

Mr. Adam to Mr. Sherman.

BRITISH EMBASSY,
Manchester, Mass., August 30, 1897.

SIR: I have the honor to acknowledge the receipt of your note, No. 766, of the 28th instant, informing me that the Treasury Department has given notice to Captain Hooper, commanding the United States patrol fleet, of the instructions transmitted to the officers of the British patrolling fleet, directing him to seal up the arms and ammunition of any British vessel which may apply to him for that purpose.

I shall not fail to report to the Marquis of Salisbury the directions given to Captain Hooper in this connection.

I have, etc.,

C. F. FREDERICK ADAM.

Mr. Hay to Mr. Sherman.

No. 69.] AMERICAN EMBASSY,
London, July 7, 1897.

SIR: In obedience to your instruction by cable, dated July 1, and after consultation with Mr. Foster, as suggested by you, I asked for a special audience with Lord Salisbury for the purpose of laying before him your proposition for a conference of the powers interested in the preservation of the fur seal, to be held at Washington in October next. I informed him that Russia had promised through Mr. Foster to take part in such a conference, and that we had reason to hope that Japan would also participate; and that the President especially desired that the Government of Her Majesty should also be represented in any such consultation that might take place.

Lord Salisbury asked me under what instructions the conference would meet. I had been told by General Foster that it was not contemplated that the representatives of any of the powers should be bound by imperative instructions, nor that the powers taking part should be considered as pledged to any positive line of action; that the meeting would be merely consultation as to the best means of preserving seal life in Bering Sea. I explained this to Lord Salisbury. He replied that before giving me a definite answer it would be necessary for him to consult his colleagues of the colonial office; that the question was essentially a colonial one; that England was in this respect rather the trustee for Canada than the principal; that he hoped later to be able to speak more definitely; that in principle he was in favor of any practicable action which would result in the preservation of the seals, though he did not at present agree with us upon the facts bearing upon the question of the threatened extermination of the herd.

After some further conversation on the subject, I asked him if he would approve of our discussing the matter with the Right Hon. Joseph Chamberlain, the secretary of state for the colonies. He said he would be glad if we would do so. I have accordingly made an appointment for Mr. Foster with Mr. Chamberlain for next Saturday, "the first minute," he says, "he has disengaged."

As I have before observed to you in this correspondence, the attention of the Government seems to be devoted exclusively this year to the cultivation of the imperial idea in the colonies, and nothing will be done which will militate against this sentiment.

I have had some conversation with the Japanese minister at this court, in which he showed a favorable disposition to the project of a conference at Washington. Mr. Foster will converse further with him on the subject.

I have, etc., JOHN HAY.

Mr. Hay to Mr. Sherman.

No. 74.] AMERICAN EMBASSY,
London, July 17, 1897.

SIR: Referring to my dispatch No. 69, of the 7th instant, I have the honor to report that I have lost no opportunity of bringing the subject of a conference to be held in Washington, in regard to the best means of preserving the seal herd in Bering Sea, to the attention of the British Government. I have arranged interviews between the Hon. John W. Foster, representing the American Government, and the Rt. Hon. Joseph Chamberlain, colonial minister, and Sir Wilfred Laurier, premier of Canada.

I have also brought him into communication with Mr. de Staal, Russian ambassador at this Court. General Foster will report to you the result of these interviews, which have been very satisfactory and promise favorable results. I have on my part had frequent conversations with my Russian and Japanese colleagues and other officials interested.

On Thursday last I had a brief conversation with Lord Salisbury, in which I referred to our former conversation on the same matter, and expressed the hope that after all the exchange of opinion which has now taken place between him and the different colonial authorities, whom he had consulted in reference to the Bering Sea matter, he might see his way to giving us a definite and favorable answer on the subject of the conference. He replied that he had reason to believe he might within a few days conclude the matter. In a conversation with Sir Julian Pauncefote I received similar encouragement.

I am unwilling to believe that the recent publication of some of the correspondence touching these questions will cause the British ministry to modify their views in relation to them or prevent the action we were hopefully anticipating.

I have, etc., JOHN HAY.

Mr. Hay to Mr. Sherman.

No. 86.] AMERICAN EMBASSY,
London, July 30, 1897.

SIR: Referring to your instruction numbered 139 of the 20th instant, and to previous correspondence relative to the preservation of fur seals in Bering Sea, I have the honor to inclose herewith the translation of a cipher telegram which I sent you yesterday, stating that Her Majesty's Government had assented to a conference of experts on the seal question, at Washington, in October next.

I also inclose copies of Lord Salisbury's note, on which my cablegram was based, and of my reply to the same.

I have, etc., JOHN HAY.

[Inclosure 1 in No. 86.]

Lord Salisbury to Mr. Hay.

FOREIGN OFFICE, *July 28, 1897.*

YOUR EXCELLENCY: In the last paragraph of the dispatch addressed to you by Mr. Sherman under date of the 10th of May last, and communicated by you to me on the 22d of that month, a wish is expressed for a conference of the powers interested in the fur-seal fishery of the North Pacific.

In reply I have to state that Her Majesty's Government are willing to agree to a meeting of experts nominated by Great Britain and Canada and by the United States, in October next, when the further investigations to be made on the islands during the present season will have been completed.

The object of the meeting would be to arrive, if possible, at correct conclusions respecting the numbers, conditions, and habits of the seals frequenting the Pribilof Islands at the present time, as compared with the several seasons previous and subsequent to the Paris award.

It seems to Her Majesty's Government that Washington would be the most suitable place for such a meeting.

The other portions of Mr. Sherman's dispatch, in so far as they require any reply from Her Majesty's Government, have been answered by anticipation in dispatches which I have addressed to Her Majesty's ambassador at Washington on the 22d of April and 7th of May last, and which have been communicated to the Government of the United States.

I have, etc., . SALISBURY.

[Inclosure 2 in No. 86.]

Mr. Hay to Lord Salisbury.

AMERICAN EMBASSY, *July 29, 1897.*

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 28th of July, in which, in reply to the suggestion of the President of the United States of a conference of the powers interested in the fur-seal fishery in the North Pacific, you acquaint me of the willingness of Her Majesty's Government to agree to a meeting of experts nominated by Great Britain and Canada and by the United States, in October next, the object of the meeting being to arrive, if possible, at correct conclusions respecting the present condition of the seal herd frequenting the Pribilof Islands, as compared with former seasons, and that, in the opinion of Her Majesty's Government, Washington would be the most suitable place for such a meeting.

I shall lose no time in transmitting your lordship's note to my Government.

It may not be out of place for me to recall to your lordship that, as I have already had occasion to mention, the President expects the Governments of Russia and Japan, powers interested in the preservation of the seal herds of Bering Sea, to be represented at the conference.

I have, etc., JOHN HAY.

Mr. Adam to Mr. Sherman.

BRITISH EMBASSY,
Manchester, Mass., August 28, 1897.

DEAR MR. SHERMAN: In compliance with an instruction which I have received from the Marquis of Salisbury, I have the honor to transmit to you herewith proof copies of the communications addressed by the Government of the United States to that of Her Majesty on the subject of the fur-seal fishery in Bering Sea, which it is proposed to present shortly to Parliament, together with a list of the several documents inclosed.

I have to request you to inform me at your early convenience of any observations which you may have to make in regard to the publication in question.

I have, etc., C. F. FREDERICK ADAM.

Mr. Sherman to Mr. Adam.

DEPARTMENT OF STATE, *September 8, 1897.*

DEAR MR. ADAM: I am in receipt of your confidential note of the 28th ultimo, and desire to thank you for affording me the opportunity to examine the copies of communications it is proposed to present to Parliament.

The only observation which I have to make respecting the compilation is to suggest that if Lord Salisbury's reply to Mr. Sherman's instruction No. 28 of May 10, 1897, to Mr. Hay, is published, Mr. Hay's acknowledgment of the receipt of his lordship's note should likewise be included in the publications.

I am, my dear Mr. Adam, very truly, yours,

JOHN SHERMAN.

Mr. Sherman to Mr. Adam.

No. 768.] DEPARTMENT OF STATE, *August 31, 1897.*

SIR: Referring to previous correspondence respecting the proposed Bering Sea conference to be held in this city in October next, I have now the honor to inquire the earliest practicable date in that month when Professor Thompson and the other British delegates may be expected to reach this city. It is the desire of the Government of the United States that the meeting shall take place early in October, 1897, if possible, for which reason it is imperative that I should be apprised of the date of their arrival in Washington in order that suitable communications may be sent to the Governments of Japan and Russia.

As you doubtless know, Dr. Jordan, one of the scientists who lately visited the seal islands on behalf of the United States, has returned to this country.

Asking that the subject be given immediate attention, I avail, etc.,

JOHN SHERMAN.

Mr. Adam to Mr. Sherman.

BRITISH EMBASSY,
Manchester, Mass., September 2, 1897.

SIR: With reference to previous correspondence respecting the proposed meeting of experts from the United States, Great Britain, and Canada, to be held in Washington in October next, I have the honor to inform you that I have telegraphed the substance of your note No. 768, of the 31st ultimo, to Her Majesty's principal secretary for foreign affairs.

As soon as I receive his lordship's reply, I shall not fail to inform you of its tenor.

I have, etc., C. F. FREDERICK ADAM.

Mr. Sherman to Mr. Hay.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 20, 1897.

It is very desirable that the date of the meeting of seal conference should be fixed without further delay. Endeavor to have British Government agree not later than October 18.

SHERMAN.

Mr. Hay to Mr. Sherman.

[Telegram.]

LONDON, *September 24, 1897.*

Have visited foreign office to urge early date for Bering Sea conference. Promise reply. Have expressed my disagreement with conclusion of British Government about Russia and Japan, and await your further instructions.

HAY.

Mr. Adam to Mr. Sherman.

BRITISH EMBASSY,
Manchester, Mass., September 22, 1897. (Received Sept. 25.)

SIR: In reply to your note, No. 768, of the 31st ultimo, I have the honor, in compliance with an instruction received from Her Majesty's principal secretary for foreign affairs, to draw your attention to the fact that Her Majesty's Government have merely agreed to a meeting, to be held at Washington, of experts nominated by the United States, Great Britain, and the Dominion of Canada, in order by due consideration of the reports drawn up by the said experts to arrive at correct conclusions respecting the condition of the seal herd frequenting the Pribilof Islands.

In agreeing to such a meeting Her Majesty's Government never, of course, anticipated that their doing so would be construed as an assent to a proposal for an international conference.

I am at the same time directed to point out that neither Russia nor Japan have any experts in a position corresponding to that of the commissioners who have been carrying on their investigations upon the Pribilof Islands during the past two years; and, moreover, that neither of the two countries in question possesses any direct interest in the herd frequenting those islands.

I have, etc.,

C. F. FREDERICK ADAM.

Mr. Sherman to Mr. Hay.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 25, 1897.

We have not understood Great Britain pledged to anything beyond tenor of Salisbury note July 28. But its terms should be construed in light of your preceding interviews with him and your note July 29.

Russia and Japan had previous to that date been invited and have accepted invitation to conference in October. We have supposed Great Britain would not object to attendance of Russian and Japanese delegates at meeting of experts of United States and Great Britain and have benefit their observations and conclusions. If Great Britain insists in withdrawing from conference after the experts have concluded their labors, it is understood she is free to do so. Urge early answer to our request to be informed when British experts will be in Washington, and have date, if possible, not later than October 18.

SHERMAN.

Mr. Hay to Mr. Sherman.

No. 126.] AMERICAN EMBASSY,
London, September 25, 1897.

SIR: I have the honor to transmit a copy of a telegram sent you yesterday. Deciphered, it is as follows:

Have visited foreign office to urge earliest date for Bering Sea conference. Promised reply in a few days. Have expressed my disagreement with conclusion of British Government about Russia and Japan, and await your further instructions.

I received your cabled instruction of the 20th of September in due time; but as Lord Salisbury was out of town, at his place in the country, and as he usually comes in on Wednesday afternoons to receive the diplomatic body, I waited till that day to ask an interview with him. Unfortunately he remained out of town on that day. I therefore went on Thursday to see Sir Thomas Sanderson, the permanent undersecretary for foreign affairs, and represented to him the earnest desire of my Government that as early a date as possible should be fixed for the meeting of the conference, which had been agreed upon for the month of October, between the British, Russian, Japanese, and American Governments. He told me he was not acquainted with the state of the business, took a note of my request, and then added that the British Government had only consented to a meeting of English, Canadian, and American experts. I expressed my surprise at this, referred to my conversations with Lord Salisbury, in which I had expressly stated, without objection on the part of his lordship, that Russia and Japan would be invited to take part in the conference; it was true, I said, that Lord Salisbury, in his note consenting to a conference, had not mentioned the participation of other powers, but I had immediately, in acknowledging receipt of his note, called to his attention the fact of the invitation having been extended to Russia and Japan. Sir Thomas Sanderson assented to this, and told me he would give the matter his attention.

The next morning I saw in the Times a telegram from Ottawa announcing, apparently on authority, that the British and Dominion Governments objected to meeting the representatives of Russia and Japan in conference. This, taken in connection with what I had heard the day before, I thought required immediate attention. I was drafting a note to Lord Salisbury on the subject when I received a visit from Mr. Villiers, the undersecretary of state, in whose department this matter more immediately lies. He told me that several days ago the foreign office had instructed Mr. Adam, the chargé d'affaires of the British embassy in Washington, to acquaint you with the view of Her Majesty's Government in regard to the participation of Russia and Japan in the conference. I once more recalled to him, as I had to Sir Thomas Sanderson,

that I had constantly kept in view in my conversations with Lord Salisbury the expectation of the President that representatives of both Russia and Japan would take part in the conference, and that I had, in my note of the 29th of July, renewed that intimation without objection from the British Government. He said the conference was one of experts, that Russia and Japan had no experts, and that they had no interests at stake in the preservation of the Pribilof herd.

I told him, in view of the fact that the President had invited, with the knowledge and presumed assent of the British Government, the Governments of Russia and Japan to participate in the conference, and that these Governments had accepted the invitation it would now be difficult, if not impossible, to exclude them; but that I would report to you our conversation, and await your further instructions.

He further informed me that they had inquired of Mr. D'Arcy Thompson what would be the earliest date at which he could be in Washington, and would let me know his reply as soon as received. Sir Julian Pauncefote, it is thought, will not be able to sail before the 24th of October.

I am, etc. JOHN HAY.

Mr. Hay to Mr. Sherman.

No. 137.] AMERICAN EMBASSY,
London, October 6, 1897.

SIR: I received your cabled instruction of the 25th on Sunday, the 26th. On Monday morning I arranged for an interview with Mr. Villiers at the foreign office, as Lord Salisbury is still absent from London. I communicated to Mr. Villiers the substance of your instruction, of which he took note, and, after some conversation, he said he would write to Lord Salisbury by that day's post and hoped to have an answer on the following day. He added, however, that it might be necessary to consult the colonial office, in which case a delay of a day or two would be possible.

During the week I made several inquiries, direct and indirect, which merely developed the fact that an interchange of views was going on between the foreign and colonial offices, which consumed a good deal of time owing to the absence of Mr. Chamberlain in Italy, Lord Salisbury not being willing to decide the matter without the full assent of the colonial authorities. On Saturday night I received your cabled instruction of that date, which I answered the next day; both telegrams are inclosed in this dispatch.

On Monday I went to the foreign office and saw Mr. Villiers. I represented to him how urgent was the necessity that my Government should receive a definite answer in regard to the conference. He went into detail as to the communications which had been passing between Lord Salisbury, Mr. Chamberlain, and the colonial office, showing that it had been impossible to give us an answer up to that date. He again assured me that every effort would be made to reply definitely to our inquiries on Tuesday or Wednesday.

To-day I received a note from Mr. Villiers, a copy of which I inclose, informing me that Mr. Adam has been instructed by telegraph to communicate to you the decision of the British Government not to take part in a conference at which Russia and Japan were to attend.

I have, etc.,

JOHN HAY.

[Inclosure in No. 187.]

Mr. Villiers to Mr. Hay.

FOREIGN OFFICE, *October 6, 1897.*

MY DEAR AMBASSADOR: I have the honor to inform you that late last night a telegram was sent to Mr. Adam instructing him to point out to the United States Government that if Russian and Japanese delegates were to attend this would alter the character and ojects of the meeting of experts nominated by Great Britain, the United States, and Canada, to which assent was given in Lord Salisbury's note of July 28.

Mr. Adam is therefore to express the great regret of Her Majesty's Government that it will not be possible for them to send a delegate to a meeting so constituted. Moreover, they do not see that either Russia or Japan could take part usefully in such a meeting of experts to consider the condition of the seal herd frequenting the Pribilofs. But if the Russian and Japanese Governments should so desire, Her Majesty's Government see no objection to furnishing them with copies of the proceedings of the meetings of the United States and British experts.

I beg to remain, etc.,

F. H. VILLIERS.

Mr. Adam to Mr. Sherman.

BRITISH EMBASSY,
Washington, October 6, 1897.

SIR: With reference to the communication, made to Her Majesty's Government on the 27th ultimo by the United States ambassador in London, expressing the desire of the Government of the United States for the admission of delegates from Russia and Japan to assist at the meeting of experts respecting the fur-seal fishery question, I have the honor, in compliance with an instruction from the Marquis of Salisbury, to point out that such a course would change the character and objects of the meeting of experts to be nominated by Great Britain, Canada, and the United States, to which his lordship assented, on behalf of Her Majesty's Government, in his note to Mr. Hay of the 28th of July last.

I am accordingly directed to express to you the great regret of Her Majesty's Government that it will not be possible for them to send a delegate to a meeting constituted in the manner suggested by Mr. Hay on the 27th ultimo.

Her Majesty's Government fail to perceive that any useful purpose could be served by the participation of Russia or Japan in a meeting of experts appointed to consider the state of the seal herd frequenting the Pribilof Islands.

However, Her Majesty's Government see no objection to copies of the proceedings of the meeting of British and United States experts being supplied to the Governments of Russia and Japan, should they wish to have them.

I have, etc., C. F. FREDERICK ADAM.

Mr. Sherman to Mr. Adam.

No. 796.]

DEPARTMENT OF STATE, *October 7, 1897.*

SIR: I had the honor to receive in due course of the mail your note dated from Manchester, Mass., on the 22d ultimo, in which, in replying to my note of the 31st of August, you draw attention to the fact that Her Majesty's Government has merely agreed to a meeting of experts nominated by the United States, Great Britain, and the Dominion of

Canada; that Her Majesty's Government never anticipated that this act would be construed as an assent to a proposal for an international conference; that neither Russia nor Japan have any experts in a position corresponding to that of the commissioners who have been carrying on investigations on the Pribilof Islands during the past two years, and that neither of the two countries in question possesses any direct interest in the herd frequenting those islands.

While I make careful note of these declarations on the part of your Government, I desire to say that neither in my note of the 31st of August nor in any other communication made by this Department to Her Majesty's Government has the action of that Government been construed in any other manner than was warranted by the language employed by Lord Salisbury in his note to Mr. Hay of July 28 last, and by the circumstances which occasioned the sending of that note. His lordship's note is in its terms a reply to the last paragraph of my instruction to Mr. Hay of May 10 last, and in that paragraph the British Government was invited to "a conference of the powers interested" in the preservation of the seals, and which powers, as appears from other portions of that instruction, were the United States, Great Britain, Russia, and Japan; but I recall to your attention the fact that his lordship's note had been preceded by a conference early in July between him and Mr. Hay by special appointment, in which his lordship was informed that it was the desire of the Government of the United States to hold a conference at Washington, in October next, of the powers interested in the preservation of the seals, that Russia had already accepted an invitation to such conference, that there was reason to hope that Japan would also participate, and that the President desired that Her Majesty's Government should also be represented.

His lordship was also informed that it was not expected that the Powers taking part should be considered as pledged to any positive line of action, and that the meeting would be for consultation as to the best means of preserving seal life. In this conference his lordship promised to give Mr. Hay an answer after consulting with his colleagues of the colonial office. This interview was followed by another later in the month of July in which the subject was alluded to, and an early answer to Mr. Hay's invitation was promised. Lord Salisbury's note of July 28 was acknowledged on the day following its date, and his lordship's attention was recalled to the interviews in which it was made known that it was expected the Governments of Russia and Japan would be represented at the conference.

The Government of the United States has not understood that Great Britain was pledged to anything beyond the tenor of Lord Salisbury's note of July 28. But I felt justified in construing it in the light of Mr. Hay's interviews with, and his note of July 29 to, his lordship. In view of these facts I have proceeded upon the understanding that the delegates of Russia and Japan would be present at the meeting of the experts of the United States and Great Britain and would have the benefit of their observations and conclusions. I have also understood that if Great Britain should insist upon withdrawing from the conference after the experts had concluded their labors she would be free to do so.

In answer to your reference to the absence of expert knowledge on the part of Russia and Japan as to the Pribilof Islands, I beg to say that, however this may be, the United States has always contended that a proper understanding and settlement of the seal question involved a study of the conditions of seal life in the entire area of the North Pacific Ocean. Both the United States and Great Britain have pro-

ceeded upon this theory, as during the past two years, while they have been conducting investigations on the Pribilof Islands, they have likewise sent their scientists to study seal life on the Asiatic side of the same waters. I have presumed that in the contemplated conference the scientists of both the United States and Great Britain who have visited the Asiatic seal islands during the past two years would be present and give the Powers interested the benefit of their investigations. In addition to the useful information they would doubtless contribute, I am informed that the Russian Government has named the governor (and for many years a resident) of the Russian seal islands as one of its delegates to the conference; and I have no doubt the Japanese delegates will be able to furnish valuable expert knowledge of the general subject. I think, therefore, that it will be unfortunate for the proper solution of this long-debated question if the British Government should fail to have present its own scientist who has for the past two years visited the Asiatic seal islands, or should not receive the information which the Russian and Japanese delegates may be prepared to submit to the conference.

It is true, as asserted by Lord Salisbury, that neither Russia nor Japan possesses any direct interest in the seal herd frequenting the Pribilof Islands, but that fact has not heretofore been regarded as a bar to their admission to the conferences of the United States and Great Britain when this herd was under consideration. His lordship will recall the joint conference which took place in London between himself, the American minister, and the Russian ambassador in 1888, and the tripartite conference of the Secretary of State, the British and Russian ministers in Washington in 1890. In inviting the October conference the President felt that the controversy respecting the fur seals had been so long and serious, and its rightful settlement so important and far-reaching, it would be a great aid to the ultimate and proper settlement of the long dispute if the United States and Great Britain would avail themselves of the information and experience of the Russian and Japanese Governments.

Having made such response as seemed necessary to your note of the 22d ultimo, I have now to acknowledge the receipt yesterday afternoon of your note bearing that date, in which you inform me that Mr. Hay made a communication on the 27th ultimo to Her Majesty's Government expressing the desire of the Government of the United States for the admission of delegates from Russia and Japan to the meeting of experts respecting the fur-seal question; that you are instructed by Lord Salisbury to point out that such a course would change the character and object of the meeting of experts nominated by Great Britain, Canada, and the United States; that it will not be possible for Her Majesty's Government to send a delegate to a meeting constituted in a manner suggested by Mr. Hay on the 27th ultimo, and that your Government fails to perceive that any useful purpose could be served by the participation of Russia and Japan in a meeting to consider the state of the Pribilof seal herd.

In response to these statements I beg to say that Mr. Hay has advised me that under my instructions he called at the foreign office on the 23d ultimo, and in the absence of the principal secretary for foreign affairs he saw the permanent undersecretary for foreign affairs and represented to him the earnest desire of the Government of the United States that as early a date as possible should be fixed for the meeting of the conference, which had been agreed upon for the month of October between the British, Russian, Japanese, and American Govern-

ments. The permanent undersecretary took note of Mr. Hay's request, and then stated to him that the British Government had only consented to a meeting of English, Canadian, and American experts. Mr. Hay expressed his surprise at this; referred to his conversations with Lord Salisbury in which he had expressly stated, without objection on the part of his lordship, that Russia and Japan would be invited to take part in the conference, and that in his note of July 29, in acknowledging receipt of his lordship's note of July 28, he had immediately called to his attention the fact of the invitation having been extended to Russia and Japan, without objection from the British Government. This interview having been reported by telegraph to me, the views of the President on the subject were communicated to Mr. Hay confirming his understanding of the conference, and he was again instructed to urge an early answer to the request to be informed when the British experts would arrive in Washington. Under these circumstances Mr. Hay visited the foreign office on the 27th ultimo, made known the views of this Government on the question raised in the previous interview, and again asked to be informed as to the arrival of the British representatives.

It will thus be seen that, so far from Mr. Hay having communicated "the desire of the Government of the United States for the admission of delegates from Russia and Japan to assist at a meeting of experts," his object was to urge upon the British Government to indicate the time when its delegates would arrive in Washington to attend the conference already agreed upon and the composition of which had been early made known to Lord Salisbury. No answer has yet been made to the inquiry which was the object of Mr. Hay's visits to the foreign office on the 23d and 27th ultimo, and which was likewise the subject of my note of August 31 last. If, at the late date of Mr. Hay's visit referred to, a request had been made for the first time for the admission of delegates from Russia and Japan to a meeting of experts from the United States and Great Britain, his lordship might well claim "that such a course would change the character and object of the meeting." But it has been shown that early in July last his attention was called to the character of the conference solicited by the United States and was informed that Russia had already accepted an invitation to participate in it and that Japan was also expected to take part. It was likewise known to his lordship that the Government of the United States had for three years past been seeking to bring about such a conference, and not until Mr. Hay's visit on the 23d ultimo was this Government aware of any objection on the part of the British Government to the participation of the representatives of Russia and Japan in the conference which it had been agreed should be held in October.

The Government of the United States having extended invitations to the Governments of Russia and Japan to attend the conference, and both of these Governments having accepted the invitation, this Government will make the necessary arrangements to receive their delegates and hold the conference during the present month as agreed upon, and it anticipates that its deliberations will be fruitful of good results.

It will be a source of deep regret to the President if the British Government will not participate in this conference, but he directs me to say to you that this Government will still hold itself ready to meet during the present month by proper representation such delegates as the British Government may nominate for the object set forth in Lord Salisbury's note of July 28 last. I have therefore to request that you will communicate the fact of this readiness on the part of the President

to his lordship as promptly as possible, in order that, if agreeable to him, the meeting may be fixed for a date as early in the month as practicable.

I have, etc., JOHN SHERMAN.

Mr. Adam to Mr. Sherman.

BRITISH EMBASSY,
Washington, October 9, 1897.

SIR: I have the honor to acknowledge the receipt of your note, No. 796, of the 7th instant, in reply to my two notes of the 22d ultimo and the 6th instant, respecting the inability of Her Majesty's Government to accede to the proposal of the United States for the admission of delegates from Russia and Japan to the meeting of American, British, and Canadian experts to examine the condition of the seals frequenting the Pribilof Islands.

I did not fail to convey by telegraph yesterday to Her Majesty's principal secretary of state for foreign affairs a summary of your note, specially mentioning the readiness of the United States Government to meet during the present month such delegates as Her Majesty's Government may nominate, for the object set forth in Lord Salisbury's note of the 28th of July last to Mr. Hay, and I also transmitted a copy of the full text by post last night.

As this, however, can scarcely be delivered in London before the end of next week, and some little time must be allowed for its consideration by Her Majesty's Government, I venture to point out that under the most favorable circumstances it will be almost impossible for any British delegate to arrive in Washington in time to attend a meeting before the end of the present month.

I have, etc., C. F. FREDERICK ADAM.

Mr. Adam to Mr. Sherman.

BRITISH EMBASSY,
Washington, October 15, 1897.

SIR: With reference to your note, No. 796, of the 7th instant, I have the honor to inform you, in compliance with an instruction received from the Marquis of Salisbury, that Her Majesty's Government have duly taken note of the acceptance by the President of the United States of the proposal contained in his lordship's note of the 28th of July last, for a meeting of experts nominated by Great Britain and Canada and by the United States. The object of this meeting, as stated in the above-mentioned note, is "to arrive, if possible, at correct conclusions respecting the number, conditions, and habit of the seals frequenting the Pribilof Islands at the present time, as compared with the several seasons previous and subsequent to the Paris award."

Her Majesty's Government have accordingly nominated Prof. D'Arcy W. Thompson as their delegate at the meeting in question, while the Government of the Dominion of Canada have appointed Mr. Macoun in a similar capacity, and those gentlemen have been instructed to proceed to Washington with the least delay possible. Prof. D'Arcy Thompson sails from Liverpool to-morrow, and may therefore be expected here on or after the 23d instant.

Her Majesty's Government and the Government of the Dominion of Canada would be glad to be informed of the names of the experts to be appointed by the United States Government.

With regard to the invitation to Her Majesty's Government, which is renewed in your note above mentioned, to a conference on the general question of the regulation of the fur-seal fishery, with the United States, Russia, and Japan, I am instructed to express once more to you the regret of Her Majesty's Government that they are not prepared to participate in a conference constituted in such a manner and for such a purpose.

I have, etc., C. F. FREDERICK ADAM.

Mr. Sherman to Mr. Adam.

No. 805.] DEPARTMENT OF STATE,
Washington, October 20, 1897.

SIR: An unavoidable delay has occurred in replying to your notes of the 9th and 15th instants respecting a meeting of experts of the United States, Great Britain, and Canada, owing to my inability to communicate with the persons whom it was the desire of the President to designate for that purpose. I now have the honor to inform you that the delegates appointed to represent the Government of the United States at the meeting of experts, as indicated in your note of the 15th instant, are Messrs. Charles S. Hamlin and David Starr Jordan, and that they will be ready to begin their sessions at such time as shall be agreed upon after the arrival of the British delegates in this city, having due regard for the convenience of the latter.

In view of the language employed in your two notes of which this is an acknowledgment, it seems necessary that I should add that no action on the part of my Government can properly be construed into a proposal to change the conditions established by the conferences held and the notes exchanged between Her Majesty's principal secretary for foreign affairs and the United States ambassador in London in July last. But while the President has been greatly desirous that the British Government should participate in a conference where the whole subject of the controversy might be considered, he welcomes any step taken in that direction, however circumscribed. It is a source of gratification to him that the meeting of American, British, and Canadian experts has been definitely arranged, and he sincerely trusts it may lead to an early and honorable adjustment of this long-pending question.

I have, etc.,

JOHN SHERMAN.

Mr. Adam to Mr. Sherman.

BRITISH EMBASSY,
Washington, October 20, 1897.

SIR: I have the honor to acknowledge the receipt of your note No. 805, of this day's date, informing me of the appointment of Messrs. Charles S. Hamlin and David Star Jordan as delegates to represent the United States Government at the meeting of experts to be held in Washington in accordance with the proposal contained in the Marquis of Salisbury's note of the 28th of July last to Mr. Hay.

With regard to the allusion to the language of my two notes, I have the honor to point out afresh that my note of the 15th instant was written under direct instructions from the Marquis of Salisbury, to whom I shall not fail to communicate the text of your note with the least possible delay.

I have, etc., C. F. FREDERICK ADAM.

Mr. Sherman to Sir Julian Pauncefote.

DEPARTMENT OF STATE,
Washington, November 4, 1897.

MY DEAR SIR JULIAN: On the 10th of last month Mr. Hay was instructed by cable to represent to the foreign office that, in view of the pressing engagements of Dr. Jordan and other of our experts who reside on the Pacific Coast, it was greatly to be desired that the contemplated meeting of experts on the conditions of the Pribilof herd of seals should be held as speedily as possible. In response to his representations Mr. Hay was informed that Professor Thompson would leave immediately for Washington and that the Canadian expert would join him there without delay.

Professor Thompson arrived on the 23d ultimo, and the experts nominated by our Government signified to him their desire to enter upon their work at once, but up to the present the meeting has been delayed on account of the continued absence of Mr. Macoun, the Canadian expert. In view of the past representations on the subject I need hardly say to you that this delay has been a source of disappointment to the President. While I am without any official information upon the subject, it is announced from Ottawa in the public press that Mr. Macoun is not to leave the Canadian capital till the 8th instant. If such is the case, I feel called upon to express my regret, especially in view of the fact that, under the limitations placed by Lord Salisbury upon the meeting agreed upon between the two Governments, it is to be composed exclusively of the experts named, and under the same limitations should naturally precede any conference of a diplomatic or political character, which latter is much desired and will be welcomed by my Government.

I am, etc., JOHN SHERMAN.

Sir Julian Pauncefote to Mr. Sherman.

BRITISH EMBASSY,
Washington, November 7, 1897.

MY DEAR MR. SECRETARY: I have the honor to acknowledge the receipt of your letter of the 4th instant and to express my regret at the inconvenience which has been caused by the delay in Mr. Macoun's arrival. I have now been informed by the Marquis of Salisbury that Mr. Macoun proposes to leave Ottawa to-morrow, Monday, on his way to Washington, and that the Canadian Government, while fully recognizing the character and object of the meeting of experts, desire that their minister of marine, Sir Louis Davies, should be present, in order

to watch the discussion and suggest questions, if necessary, though naturally without obtruding any point of policy.

Sir W. Laurier proposes also to be in Washington, and I am desired by Lord Salisbury to inform you of the wishes of the Canadian Government and to inquire whether their proposal is agreeable to your Government.

I beg to add that in the event of your Government concurring in the presence of the colonial ministers at the meeting of experts it is suggested that I should be present at the same time.

I remain, etc.,

JULIAN PAUNCEFOTE.

Mr. Sherman to Sir Julian Pauncefote.

DEPARTMENT OF STATE, *November 8, 1897.*

MY DEAR SIR JULIAN: I take pleasure in repeating the assurance which I gave you verbally yesterday when you handed me your note of that date, that my Government will very heartily welcome the visit to Washington of Sir Wilfrid Laurier, the prime minister of Canada, and Sir Louis Davies, minister of marine, and that it cheerfully yields to the desire of the Marquis of Salisbury to so far modify the character of the meeting of experts, as set forth in Mr. Adam's note of the 15th ultimo, as to admit the officials named as well as yourself to the meeting, in order to watch the discussion and suggest questions.

I beg to add that Mr. John W. Foster, whom, as you know, the President has intrusted with the negotiations relative to the seal question, will be expected also to attend the meetings on the part of the United States.

I take it for granted that the foregoing modification of the character of the meeting does not in any wise relieve the experts from the duty of reaching conclusions on their own behalf respecting the conditions of the Pribilof seal herd and making a report thereon.

I am, etc.,

JOHN SHERMAN.

Sir Julian Pauncefote to Mr. Sherman.

BRITISH EMBASSY,
Washington, November 8, 1897.

MY DEAR MR. SECRETARY: I beg to thank you for your note of this day's date concerning the projected visit to Washington of Sir W. Laurier and Sir L. Davies.

As regards the last paragraph of your note, I would observe that there is no intention whatsoever to modify the character of the meeting, and that the experts will, of course, report upon the condition of the seal herd, as originally arranged.

I am, etc., JULIAN PAUNCEFOTE.

Messrs. Hamlin and Jordan to Mr. Sherman.

WASHINGTON, D. C., *November 17, 1897.*

SIR: On the 22d of October you directed the undersigned to act as delegates, representing the United States, in a conference with delegates of Great Britain and Canada held for the following object:

> To arrive, if possible, at correct conclusions respecting the numbers, conditions, and habits of the seals frequenting the Pribilof Islands at the present time as compared with the several seasons previous and subsequent to the Paris award.

We have now the honor to report to you the successful completion of the work of the conference. The protocols of this conference, which are handed you herewith, contain the record of the daily proceedings of the meetings. The final findings of fact are embodied in the joint statement of conclusions unanimously adopted by the conference, which we now also place in your hands.

It is proper that we should explain the absence in this joint statement of all reference to the regulations adopted in accordance with the award of the Paris Tribunal of Arbitration, or to any question involving administrative action.

In this connection, in accordance with their understanding of the purpose of the conference, the delegates of the United States presented for discussion the following proposition:

> In the seasons subsequent to the Paris award the number of seals frequenting the Pribilof Islands has steadily declined to the date of our inspection of the rookeries in 1897. The regulations adopted by the Paris Tribunal of Arbitration have therefore proved ineffective for the protection and preservation of the fur-seal herd.

In deference to the views of the delegates of Great Britain and Canada, this proposition and all similar ones suggested were withdrawn from discussion, it being stated by the delegates of Great Britain and Canada that their interpretation of the joint instructions did not permit them to take up this or any other question bearing directly or indirectly on regulations or administrative matters.

Trusting that you may find the work of the conference a satisfactory contribution to knowledge of the condition of the fur-seal herd, we are,

Very respectfully, yours,

CHARLES SUMNER HAMLIN,
DAVID STARR JORDAN.

Joint statement of conclusions respecting the fur-seal herd frequenting the Pribilof Islands in Bering Sea.

The undersigned, duly empowered delegates, engaged during recent years in the investigation of the condition and habits of the fur-seal herd frequenting the Pribilof Islands in Bering Sea, viz: On behalf of the United States, Charles Sumner Hamlin and David Starr Jordan; on behalf of Great Britain, D'Arcy Wentworth Thompson; on behalf of Canada, James Melville Macoun, have met in conference under instructions from our respective Governments. Under these instructions we were directed:

> To arrive, if possible, at correct conclusions respecting the numbers, conditions, and habits of the seals frequenting the Pribilof Islands at the present time as compared with the several seasons previous and subsequent to the Paris award.

As a result of such conference, now completed, we, the above-named Charles Sumner Hamlin, David Starr Jordan, D'Arcy Wentworth Thompson, and James Melville Macoun, find ourselves in accord on the propositions contained in the following joint statement of conclusions respecting the fur-seal herd frequenting the Pribilof Islands, and make this our report.

JOINT STATEMENT.

1. There is adequate evidence that since the year 1884, and down to the date of the inspection of the rookeries in 1897, the fur-seal herd of the Pribilof Islands, as measured on either of the hauling grounds or breeding grounds, has declined in numbers at a rate varying from year to year.

2. In the absence for the earlier years of actual counts of the rookeries such as have been made in recent years, the best approximate measure of decline now available is found in these facts:

(*a*) About 100,000 male seals of recognized killable age were obtained from the hauling grounds each year from 1871 to 1889. The table of statistics given in Appendix I shows on the whole a progressive increase in the number of hauling grounds driven and in the number of drives made, as well as a retardation of the date at which the quota was attained during a number of years previous to 1889.

(*b*) In the year 1896, 28,964* killable seals were taken after continuing the driving till July 27, and in 1897 19,189, after continuing the driving till August 11. We have no reason to believe that during the period 1896 and 1897 a very much larger number of males of recognized killable age could have been taken on the hauling grounds.

The reduction between the years 1896 and 1897 in the number of killable seals taken, while an indication of decrease in the breeding herd, can not be taken as an actual measure of such decrease. A number of other factors must be taken into consideration, and the real measure of decrease must be sought in more pertinent statistics drawn from the breeding rookeries themselves.

3. From these data it is plain that the former yield of the hauling grounds of the Pribilof Islands was from three to five times as great as in the years 1896 and 1897, and the same diminution to one-third or one-fifth of the former product may be assumed when we include also the results of hunting at sea.

4. The death rate among the young fur seals, especially among the pups, is very great. While the loss among the pups prior to their departure from the islands has been found in the last two years to approach 20 per cent of the whole number born, and though the rate of subsequent mortality is unknown, we may gather from the number which return each year that from one-half to two-thirds have perished before the age of 3 years—that is to say, the killable age for the males and the breeding age for the females.

5. The chief natural† causes of death among the pups, so far as known

* The nominal quota of 30,000 for 1896, and of 20,890 for 1897, included food skins taken in the fall of 1895 and 1896.

† That is to say, not including losses ensuing from the killing of mothers at sea.

The number of dead pups counted on the rookeries between August 8 and 14, in 1896, was 11,045. It is recognized that this number is an underestimate, inasmuch as a greater number must have been overlooked than were counted twice. It is also recognized that the great majority of these pups died from the attacks of the worm *Uncinaria*.

at present, are as follows, the importance of each being variable and more or less uncertain:

(*a*) Ravages of the parasitic worm, *Uncinaria*, most destructive on sandy breeding areas and during the period from July 15 to August 20.

(*b*) Trampling by fighting bulls or by moving bulls and cows, a source of loss greatest among very young pups.*

(*c*) Starvation of pups strayed or separated from their mothers when very young or whose mothers have died from natural causes.

(*d*) The ravages of the great killer (*Orca*), known to be fatal to many of the young and perhaps also to older seals.

At a later period drowning in the storms of winter is believed, but not certainly known, to be a cause of death among the older pups.

6. Counts of certain rookeries, with partial counts and estimates of others, show that the number of breeding females bearing pups on St. Paul and St. George was, in 1896 and 1897, between 160,000 and 130,000, more nearly approaching the higher figure in 1896 and the lower in 1897. †

7. On certain rookeries where pups were counted in both seasons, 16,241 being found in 1896 and 14,318 in 1897, or, applying a count adopted by Professor Thompson, 14,743 in the latter year, there is evident a decrease of 9 or 12 per cent within the twelvemonth in question. The count of pups is the most trustworthy measure of numerical variation in the herd. The counts of harems, and especially of cows present, are much inferior in value. The latter counts, however, point in the same direction. The harems on all the rookeries were counted in both seasons. In 1896 there were 4,932, in 1897 there were 4,418, a decrease of 10.41 per cent. The cows actually present on certain rookeries at the height of the season were counted in both seasons. Where 10,198 were found in 1896, 7,307 were found in 1897, a decrease of 28.34 per cent. ‡

8. It is not easy to apply the various counts in the form of a general average to all the rookeries of the islands. We recognize that a notable decrease has been suffered by the herd during the twelvemonth 1896 to 1897, without attempting, save by setting the above numbers on record, to ascribe to the decrease more precise figures.

9. The methods of driving and killing practiced on the islands, as they have come under our observation during the past two years, call for no criticism or objection. An adequate supply of bulls is present on the rookeries; the number of older bachelors rejected in the drives during the period in question is such as to safeguard in the immediate future a similarly adequate supply; the breeding bulls, females, and pups on the breeding rookeries are not disturbed; there is no evidence

* The importance of this source of loss we now find to be much less than was supposed to be the case from the investigations made in 1896. (See Reports for 1896, Jordan, p. 45; Thompson, p. 20; Macoun, MSS.)

† For detailed account of the census of 1896, see Jordan, preliminary report for 1896, p. 15; Thompson, report for 1896, p. 19; Macoun, report, 1896, MSS. For a discussion of suggested corrections to the census of 1896, see Jordan, final report, 1897. For details of the census of 1897, see Thompson, report, 1897; Macoun, report, 1897, Jordan, report, 1897. A correction to be made in the census of 1896 arises from the agreed assumption that the total number of breeding females was 1.75 times the number seen in the height of the season. Later observations show that the actual total is at least twice the maximum number ever seen at once on a rookery.

‡ The extreme irregularity of the number of cows present on the rookeries from day to day, and the consequent invalidity of any comparison of their number, is shown by the census made on Lukanin and Kitovi rookeries during the season of 1897. See Appendix II.

or sign of impairment by driving of the virility of males; the operations of driving and killing are conducted skillfully and without inhumanity.

10. The pelagic industry is conducted in an orderly manner and in a spirit of acquiescence in the limitations imposed by the law.

11. Pelagic sealing involves the killing of males and females alike, without discrimination and in proportion as the two sexes coexist in the sea. The reduction of males effected on the islands causes an enhanced proportion of females to be found in the pelagic catch; hence this proportion, if it vary from no other cause, varies at least with the catch upon the islands. In 1895 Mr. A. B. Alexander, on behalf of the Government of the United States, found 62.3 per cent of females in the catch of the *Dora Sjeverd*, in Bering Sea, and in 1896 Mr. Andrew Halkett, on behalf of the Canadian Government, found 84.2 in the catch of the same schooner in the same sea. There are no doubt instances, especially in the season of migration and on the course of the migrating herds, of catches containing a very different proportion of the two sexes.

12. The large proportion of females in the pelagic catch includes not only adult females that are both nursing and pregnant, but also young seals that are not pregnant, and others that have not yet brought forth young, with such also as have recently lost their young through the various causes of natural mortality.*

13. The polygamous habit of the animal, coupled with an equal birth rate of the two sexes, permits a large number of males to be removed with impunity from the herd, while, as with other animals, any similar abstraction of females checks or lessens the herd's increase; or, when carried further, brings about an actual diminution of the herd. It is equally plain that a certain number of females may be killed without involving the actual diminution of the herd, if the number killed do not exceed the annual increment of the breeding herd, taking into consideration the annual losses by death through old age and through incidents at sea.

14. While, whether from a consideration of the birth rate or from an inspection of the visible effects, it is manifest that the take of females in recent years has been so far in excess of the natural increment as to lead to a reduction of the herd in the degree related above, yet the ratio of the pelagic catch of one year to that of the following has fallen off more rapidly than the ratio of the breeding herd of one year to the breeding herd of the next.†

15. In this greater reduction of the pelagic catch compared with the gradual decrease of the herd there is a tendency toward equilibrium, or a stage at which the numbers of the breeding herd would neither increase nor decrease. In considering the probable size of the herd in the immediate future, there remains to be estimated the additional factor

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* Statements on which to base an estimate of the relative numbers of these several classes are necessarily incomplete, but the following notes may serve as a partial guide: Townsend, report 1895, pp. 46, 47. Alexander, report 1895, pp. 142, 143. Macoun, report 1897, MSS. Lucas, report 1897, MSS.

†The catch of the pelagic fleet, Canadian and American, in 1897, in Bering Sea was 16,657 seals. In the summer of 1896 it was 29,500. The aggregate catch which directly influenced the herd of 1897 was 38,922, a number made up by adding to the summer's catch of 1896 the northwest coast catch in the spring of 1897. Up to the present time, accordingly, the pelagic catch already taken (16,657) and operating directly against next year's supply is 57.22 per cent less than the pelagic catch which operated against the supply of 1897 (see also Appendix I); or, if we compare merely the summer catches, inasmuch as the possible spring catch of 1898 is an unknown factor, we have a reduction of 43.46 per cent.

of decline resulting from reductions in the number of surviving pups caused by the larger pelagic catch of 1894 and 1895.

16. The diminution of the herd is yet far from a stage which involves or threatens the actual extermination of the species, so long as it is protected in its haunts on land. It is not possible, during the continuance of the conservative methods at present in force upon the islands, with the further safeguard of the protected zone at sea, that any pelagic killing should accomplish this final end. There is evidence, however, that in its present condition the herd yields an inconsiderable return either to the lessees of the islands or to the owners of the pelagic fleet.

CHARLES SUMNER HAMLIN.
DAVID STARR JORDAN.
D'ARCY WENTWORTH THOMPSON.
JAMES MELLVILLE MACOUN.

APPENDIX I.

Statistics regarding land and sea killing, 1871–1897.

Year.	Date quota filled.[1]	Hauling grounds driven.[1]	Number of drives.[1]	Killed on land.[2]	Killed at sea.
1871	July 28	46	42	102,960	16,911
1872	July 25	43	30	106,819	5,396
1873	July 24	51	37	109,177	5,229
1874	July 17	61	41	110,585	5,873
1875	July 16	55	37	106,460	5,033
1876	[3]Aug. 1	36	30	94,657	5,515
1877	July 14	44	32	84,310	5,210
1878	July 18	54	35	109,323	5,544
1879	July 16	71	36	110,411	8,557
1880	July 17	78	38	105,718	8,418
1881	July 20	99	34	105,068	10,382
1882	....do	86	86	99,812	15,551
1883	July 19	81	39	79,509	16,557
1884	July 21	101	42	105,434	16,971
1885	July 27	106	68	105,434	23,040
1886	July 26	117	74	104,521	28,494
1887	July 24	101	66	105,760	30,628
1888	July 27	102	73	103,304	26,189
1889	July 31	110	74	102,617	29,858
1890	[4]July 20	87	55	28,059	40,814
1891	.....	([5])	([5])	12,040	59,568
1892	.....	([5])	([5])	7,511	46,643
1893	.....	([5])	([5])	7,396	30,812
1894	Aug. 4	.....	.....	16,270	61,838
1895	July 27	.....	.....	14,846	56,291
1896	...do	31	21	28,964	42,917
1897	Aug. 7	42	27	20,860	[6]25,079

[1] These figures refer to the hauling grounds of St. Paul.
[2] These totals include all males killed for any purpose on the islands.
[3] In 1876 the killing was begun at an unusual date, said to be on account of an exceptionally late season.
[4] Closed by order of the agent in charge.
[5] Years of the modus vivendi.
[6] As reported to date.

APPENDIX II.

Record of arrival of cows.[1]

Date.	Cows present.
Amphitheater of Kitovi.	
June 12	0
13	0
14	2
15	3
16	3
17	4
18	6
19	7
20	8
21	9
22	23
23	37
24	45
25	56
26	76
27	105
28	137
29	168
30	210
July 1	246
2	290
3	362
4	414
5	490
6	518
7	550
8	585
9	[2] 587
10	660
11	703
12	.....
13	654
14	556
15	703
16	678
17	698
18	566
19	556
Amphitheater of Kitovi—Continued.	
July 20	429
21	528
22	416
23	469
24	465
25	426
26	463
27	406
28	304
29	414
30	427
31	375
Record of harems.	
June 14	1
20	3
30	10
July 8	35
13	46
25	53
Lukanin rookery.	
June 12	1
13	1
14	3
15	5
16	6
17	11
18	19
19	25
20	37
21	52
22	74
23	103
24	131
25	176
Lukanin rookery—Continued.	
June 26	207
27	257
28	.....
29	.....
30	635
July 1	.....
2	890
3	938
4	1,088
5	1,197
6	1,264
7	1,371
8	1,531
9	[2] 1,541
10	1,680
11	1,755
12	.....
13	1,786
15	1,841
14[3]	306
15	327
16	325
17	358
18	228
19	290
20	214
21	215
22	219
23	212
24	196
25	186
26	148
27	157
28	177
29	149
30	127
31	124

[1] Weather clear; no storms or surf, except one day when rain fell, causing a larger number of cows to take to the water and making it difficult to distinguish those present from the rocks.
[2] Rain.
[3] After July 14 it became impossible, on account of the scattering of the cows, to continue the count for the entire rookery without too great loss of time, and so a section of 18 harems was singled out and the count continued on it.

Mr. Sherman to Mr. Hay.

No. 318.] DEPARTMENT OF STATE,
Washington, November 22, 1897.

SIR: I transmit you herewith the protocols of the conference of the seal experts of the United States, Great Britain, and Canada recently held in this city.

The results of the conference will be found in the "conclusions" on pages 15 to 19. You will observe that these "conclusions" substantially confirm the facts contended for by the Government of the United States since the regulations of the Paris Tribunal went into operation. It therein appears that the seal herd of the Pribilof Islands shows a decrease from year to year from 1884 (when the effects of pelagic sealing first began to appear) up to 1897; that the herd has diminished to one-third (the British concession) or one-fifth (the American contention) of its former size; that a notable decrease has been suffered during the

last year; that this decrease has been brought about by the excessive killing of females; that the proportion of females to males taken in pelagic sealing is from 62 to 64 per cent; that while the herd is not threatened with actual (biological) extermination so long as it is protected on the islands, in its present reduced condition it is neither profitable to the lessees nor the pelagic sealers—in other words, its commercial extermination has been reached; that the method of killing on the islands is fully approved; and that a large number of males may be taken with impunity from the herd.

Respectfully, yours, JOHN SHERMAN.

Mr. Foster to Mr. Sherman.

WASHINGTON, D. C., *December 3, 1897.*

SIR: I have the honor to report that, in accordance with your instructions, I had an informal interview on the 16th ultimo with Sir Wilfrid Laurier, prime minister, and Sir Louis H. Davies, minister of marine and fisheries, of the Dominion of Canada, who were in Washington in attendance on the conference of fur-seal experts. There was also present at the interview Mr. C. F. Frederick Adam, of the British embassy.

The primary object of the interview was to agree, if possible, upon some tentative method of settlement of the fur-seal question, with a view to its formal consideration by the Governments of the United States and Great Britain; but in the course of the interview various other unsettled questions between the United States and Canada were discussed, including the protection of fish in the waters of rivers and lakes contiguous to the two countries, the alien labor law, the American tariff on lumber and logs, commercial reciprocity, and the Northeast sea fisheries. At the close of the interview I submitted a proposition as a basis of settlement, of which I inclose a copy.

Sir Wilfrid Laurier said it would not be possible to give a definite answer until he had taken the advice of his council, and that it would be sent to me soon after his return to Ottawa This answer was received on the 30th ultimo and my response thereto was sent through the British embassy on the 2d instant. The correspondence, of which copies are inclosed, shows that the Canadian Government is unwilling to agree to a modus vivendi suspending the killing of seals while the proposed negotiations were in progress.

I am, etc., JOHN W. FOSTER.

[Inclosure.]

Mr. Foster's proposition.

At the conference with Sir Wilfrid Laurier, Sir Louis Davies, and Mr. Adam, of the British embassy, Mr. Foster proposed:

First. That the Governments of Great Britain and the United States agree at once to a modus vivendi providing for a complete suspension of the killing of seals in all the waters of the Pacific Ocean and Bering Sea for one year from December, 1897, and for a suspension of all killing of seals on the Pribilof Islands for the same period.

Second. That the British ambassador and one or more representatives of the Canadian Government on the one part, and such representative or representatives as may be designated by the President of the United States on the other part, shall, with as little delay as possible, take up for consideration, with a view to settlement by means of treaty stipulations, the fur-seal question, the protection of fish in the waters of

rivers and lakes contiguous to the United States and Canada, the subject of reciprocal immigration, commercial reciprocity, or any other unsettled question between the United States and Canada which either of the Governments may see proper to bring forward.

November 16, 1897.

[Inclosure 1.]

Sir Wilfrid Laurier to Mr. Foster.

PRIVY COUNCIL,
Canada, Ottawa, November 24, 1897.

DEAR MR. FOSTER: Your memorandum embracing the substance of proposals made by you at a conference held between you and myself, Sir Louis Davies, and Mr. Adam, of the British embassy, has been submitted by me since my return to Ottawa to my colleagues.

Your second proposition practically embodies the suggestions made by myself and my colleague, and meets, I need hardly say, with the full approval of the Canadian Government. Though the regulations prepared by the Paris tribunal for the killing of seals in Bering Sea and in the Pacific Ocean have been made revisable only at the end of five years, we are quite willing to enter at once and without waiting for the end of the period thus fixed, into an agreement to review the whole seal question, for the object of settling by treaty stipulations, not that question alone, but all others in which at present the relations between the two countries are not as satisfactory as they ought to be, viz: "The protection of fish in the waters of rivers and lakes contiguous to the United States and Canada, the subject of reciprocal immigration, commercial reciprocity, or any other unsettled question between the United States and Canada, which either Government may see proper to bring forward."

This proposition, however, is made by you contingent upon and subject to the condition contained in the first: "That the Governments of Great Britain and the United States agree at once to a modus vivendi providing for a complete suspension of the killing of seals in all the waters of the Pacific Ocean and Bering Sea for one year from December, 1897, and for a suspension of all killing of seals on the Pribilof Islands for the same period."

There are difficulties in agreeing to that proposition which, I fear, will be found insuperable.

Immediately on my return I requested my colleague, Sir Louis Davies, to obtain information as to the number of sealers who are fitting out for the coming year's operations, and as to the approximate compensation which would be expected to be paid to them in case pelagic sealing was prohibited for a year. The information furnished me is to the effect that the fleet is preparing as usual; that the prohibition of pelagic sealing for a year would practically destroy the business for several years, because the masters, the mates, and the white crews, for the larger part belonging to other parts of Canada, would leave British Columbia. The sum which would likely be demanded as compensation is far beyond what it would be possible for us to induce parliament to vote, even if we could recommend it. Under these circumstances, and in view of the finding of the experts at the late conference, that "In the greater reduction of the pelagic catch" of late years "compared with the gradual decrease of the herd, there is a tendency toward equilibrium, or a stage at which the numbers of the breeding herd would neither increase nor decrease," and, further, that "the diminution of the herd is yet far from a stage which involves or threatens the actual extermination of the species so long as it is protected in its haunts on land." I am in hopes that you will agree to the proposition submitted at our verbal conference by Sir Louis Davies and myself, and not press for the immediate suspension of pelagic sealing.

The coast catch during the months of January, February, March, and April, as gauged by the catches of the past few years, is very small. Last year the catch of the Canadian sealing fleet amounted only to 6,100, and in the year before to 8,350. If the fleet, therefore, are permitted to prosecute pelagic sealing for these four months, but little comparative harm would be done to the herd. Following these months is the close season, embracing May, June, and July, during which, of course, no pelagic sealing can be carried on, except on the Asiatic coast. It appears to me, therefore, as highly probable that the joint commission suggested could finally conclude its labors long before the time when, under the Paris regulations, pelagic sealing could begin in Bering Sea. If that commission reached a satisfactory conclusion, and the Congress of the United States approved of it, there would be no difficulty in obtaining the necessary Imperial legislation to carry out whatever recommendations might be agreed to with respect to the suspension or cessation of pelagic

sealing in time to prevent the prosecution of the business in Bering Sea next year. It is obvious, however, that any conclusion which might be reached by the joint commission must, to be effective, be ratified by Congress as well as by Imperial legislation, and unless the session of Congress which opens in the coming month of December and closes, I understand, about the 4th of March, ratifies any treaty which might be agreed to before its termination, it would necessarily lie over for another year. This would involve the renewal of the suspension for a second year, with a further claim for compensation on the part of the sealers.

I would also the more strongly urge upon you the view here presented, because pelagic sealing, being at present a legitimate business, carried on under the sanction of the Paris regulations, can not be stopped until the Imperial Parliament has enacted the necessary legislation prohibiting it; and, as that Parliament will not meet until early in February next, it seems obvious that such legislation could not be hoped for until, at any rate, late in the month of February. At that date the result of the labors of the joint commission, if it was constituted at an early day, would be known and could be submitted for approval at the coming session of Congress.

Under all these circumstances, therefore, we do not see how it is possible to agree to the suggested suspension, but we see no reason to doubt, if the appointment of a joint commission results in the submission of a treaty which Congress would ratify, the necessary Imperial legislation could be procured in time to carry out its recommendation with regard to Bering Sea sealing, before the close season ends and pelagic sealing begins, and so attain the object you have in view.

Yours, respectfully,

WILFRID LAURIER.

[Inclosure 2.]

Mr. Foster to Sir Wilfrid Laurier.

DEPARTMENT OF STATE,
Washington, December 2, 1897.

DEAR SIR WILFRID: I received on the 30th ultimo, through the British embassy, your letter of the 24th, in which you kindly communicate your answer to the proposition which I submitted in the conference which I had the pleasure to hold with you, your colleague, and Mr. Adam of the British embassy, on the 16th ultimo.

Your answer is in effect a declination of my proposition and a renewal of the proposal made in the conference by Sir Louis Davies and which at the time I stated my Government could not accept. The considerations in support of your colleague's proposal restated by you have been submitted to the President, and he directs me to express his regret that they are not of such a nature as to justify him in reversing the position taken by me in our conference.

You intimate that if pelagic sealing is continued during the earlier months of the year the catch would not exceed 6,000, which you think would do little harm to the herd. This might be the case if it was in its normal condition, but such a catch now would be approximately equal to 30,000 in normal times, and in its present depleted condition would create a serious inroad on the herd. The state of "equilibrium" contemplated by the experts to which you refer was at a still more depleted stage than even now exists. It is admitted that the industry is at present unprofitable for both the lessees and the pelagic sealers. Should the herd reach the "equilibrium" pointed out by you it will have passed the period when negotiations will be of any avail. But in addition to the injury that a continuance of early pelagic sealing will do to the herd it will also entail on the United States the heavy expense of the patrol during the entire summer, even though a settlement should be reached, as you think possible, before August, as the Victoria fleet will be at sea, an expense which for the past four years has averaged about $150,000 annually.

In view of your statement that the Imperial Parliament will not convene till February, we should be quite willing to have the proposed suspension of sealing take effect at such date in February as would enable the necessary legislation to be passed provided a modus vivendi could be signed at once. Such an arrangement would, it is believed, obviate the legal difficulties to which you refer. There is no disposition on our part to embarrass the Dominion Government by asking impossible or unreasonable conditions. This is the more apparent when I recall the fact that four years ago when the Paris Tribunal rendered its award that body, "in view of the critical condition" to which the herd was then reduced, recommended the two Governments to suspend the killing of seals for a period of two or three years. If such a measure was called for then, how much more reasonable is the request for a single season's suspension now, after four more years of disastrous slaughter of female seals, during which period the experts agree the herd has steadily declined.

Your frank and courteous letter reveals the fact to which I had occasion to refer during your recent friendly visit to this city and which constitutes a serious obstacle to our negotiations. We seem to have failed to impress upon the Canadian Government, past or present, our view that pelagic sealing ought to be voluntarily given up because it is unneighborly in that it is destroying a valuable industry of our Government, and inhumane because it is exterminating a noble race of animals useful to the world. We paid Russia a large sum for Alaska and the chief prospective return then visible was the seal industry, which had yielded the Russian Government and subjects large profit. We enjoyed the industry undisturbed for about fifteen years, reaping a rich return to the Government and the lessees, the estimated revenue to the Federal Treasury up to 1891 being over $11,000,000, a sum much larger than was paid to Russia for the entire territory. Suddenly the pelagic sealers entered upon the work of destruction and they have brought the industry to the point when it is no longer profitable.

This work of destruction has been prosecuted as a conceded legal avocation, and when we have called attention to the rapid diminution of the herd and the treaty obligation to protect and preserve it, we have been met by the declaration that its actual extermination is not immediately threatened. When it is proposed to negotiate for the surrender of the legal right of pelagic sealing, we are told that this can not be brought about by a fair compensation to those engaged in the industry, but that the question must be included with a number of other subjects having no relation to it whatever, and that it must await the fate of all these matters, some of which, as commercial reciprocity and the tariff, are very complex in their character, and others, as the northeastern sea fisheries, of long standing and very difficult of adjustment.

Notwithstanding the President feels that the subject of the proper protection of the seals should not be complicated with other questions of intricate public policy and conflicting interests, in his earnest desire to promote a more friendly state of relations between the two neighboring countries he has consented that all those questions should be embraced in one series of negotiations, if meanwhile a modus vivendi could be agreed upon which would save the seals from destruction while the negotiations were in progress. You have been misinformed as to the duration of the coming Congress, as it will continue beyond the 4th of March next without constitutional limitation. But it could hardly be anticipated that the subjects which you desire to have considered would be adjusted by treaty stipulations and the necessary resulting legislation with the dispatch indicated in your letter, even with the most friendly spirit of conciliation. The variety of questions to be considered and the interests to be consulted would compel deliberation in the negotiations and might create discussion before legislation could be secured.

I have explained at some length the reasons which control the President in adhering to the position which, under his instructions, I assumed during our informal conference, because of my earnest wish to have you understand that we are greatly desirous of bringing about a better understanding with your Government. I am extremely sorry and greatly disappointed that your visit to Washington gives so little promise of satisfactory results, but I entertain the hope that it may yet bear good fruits.

I remain, etc., JOHN W. FOSTER.

55TH CONGRESS, 2d Session. } SENATE. { DOCUMENT 40, Part 2.

FUR SEALS IN BERING SEA.

LETTER

FROM

THE SECRETARY OF STATE,

TRANSMITTING

A CORRECTED COPY OF SENATE DOCUMENT NO. 40, FIFTY-FIFTH CONGRESS, SECOND SESSION, IN RELATION TO THE PROTECTION OF FUR SEALS IN THE BERING SEA, AND REQUESTING THAT THE SAME BE REPRINTED.

JANUARY 10, 1898.—Referred to the Committee on Foreign Relations and ordered to be printed.

DEPARTMENT OF STATE,
Washington, January 10, 1898.

SIR: I have the honor to inform you that in the printing of Senate Document No. 40, Fifty-fifth Congress, second session, in relation to the protection of fur seals in Bering Sea, an important typewritten page of the copy submitted by the Secretary of State in response to the resolution of the Senate of May 25, 1897, was omitted from the note of instruction of April 21, 1897, from Lord Salisbury to Sir Julian Pauncefote, printed on pages 14 and 15 of the document.

It is due to Lord Salisbury, whose continuity of argument is thus broken, that this error of omission should be rectified.

To this end I have the honor to submit herewith a complete and accurate copy of the note in question, asking that the matter be laid before the Senate, with a view to having that body order the reprinting of the document, so that Lord Salisbury's note may appear therein complete.

At the same time a correction should be made in line 3, page 64, of the document, where "64 per cent" should read "84 per cent."

Respectfully, yours,

JOHN SHERMAN.

Hon. GARRET A. HOBART,
Vice-President of the United States, United States Senate.

agents, and all the rookeries but one show a large increase in the latter year.

Owing to the stormy weather prevailing during last sealing season the pelagic catch was much reduced, the catch in Bering Sea having only been about two-thirds of that of 1895. The low prices, moreover, realized for last year's skins are likely to lead to a smaller number of vessels fitting out for the fishery this season, and there is therefore no information before Her Majesty's Government to warrant the belief of the United States Government that to defer taking up the subject until after the season of 1898 would be fatal to the preservation of the herd.

Similar statements as to the immediate disappearance of the herd have been made in previous years, but experience has shown that the fears then expressed were groundless, and Her Majesty's Government are convinced that they will prove to be equally so on the present occasion.

The small catch and low prices obtained for the skins last year brought many of the owners of the sealing vessels to the verge of bankruptcy, and were Her Majesty's Government to prohibit pelagic sealing altogether for this year it would mean the probable ruin of a considerable number of British subjects engaged in a lawful industry. Of course, if the United States Government are prepared to give adequate compensation to the sealing fleet on account of its enforced abstention from the fishery this season, Her Majesty's Government would have no reason for refusing their assent to the proposal for a "modus vivendi," but they do not gather that such is the case, and it would be impossible for them to submit a note to Parliament for the purpose, holding, as they do, that no sufficient reason has been shown for its necessity.

As regards the proposed conference, Her Majesty's Government are of opinion that further investigation is necessary on many points connected with seal life before the questions at issue could be discussed with the hope of attaining any satisfactory result.

Dr. Jordan and Professor Thompson are agreed that it is most important that an accurate count of seals on the principal rookeries should be made during several seasons, in order to ascertain the changes from year to year, and there are other important points mentioned in the conclusion of Mr. Thompson's report, on which, pending further inquiry, he finds it desirable to suspend judgment.

It is admitted that the investigation carried out last year afforded for the first time any really reliable statistics in regard to the condition of the herd, and that all previous reports received on the subject are practically valueless for purposes of comparison.

To estimate accurately the effect on the herd of the various agencies now at work, reliable statistics extending over a sufficient period to enable accidental circumstances to be eliminated should be available, and Her Majesty's Government must adhere to the view set forth in my dispatch, No. 42, of the 6th ultimo—that further investigation is required before the question of revising the regulations can be considered.

Your excellency will read this dispatch to the Secretary of State, and leave a copy of it with him should he desire it.

I am, etc.,

SALISBURY.

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55TH CONGRESS, 2d Session. | SENATE. | DOCUMENT No. 41.

LETTERS FROM CABINET OFFICERS RELATIVE TO CIVIL-SERVICE RULES.

LETTERS

FROM

THE SECRETARIES OF THE TREASURY, OF THE DEPARTMENT OF AGRICULTURE, AND OF THE DEPARTMENT OF STATE, IN RESPONSE TO RESOLUTION OF THE SENATE OF DECEMBER 18, 1897, RELATIVE TO CHANGES OR AMENDMENTS TO THE PRESENT CIVIL-SERVICE RULES.

JANUARY 5, 1898.—Referred to the Committee on Civil Service and Retrenchment and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., January 4, 1898.

THE SENATE OF THE UNITED STATES:

I have the honor to acknowledge receipt of the following resolutions, passed by the Senate December 18, 1897:

Resolved, That the heads of the several Executive Departments, respectively, be directed to inform the Senate what appointive positions, if any, in their respective Departments should, in their opinion, be excepted from the operation of the laws governing the civil service or the rules established by the Civil Service Commission; and, further,

Resolved, That the said heads of the several Executive Departments, respectively, be directed to inform the Senate what changes or amendments to the present civil-service rules seem to be desirable, as indicated by their experience.

It can not be denied that the large number of places brought into the classified service by the Executive order of May 6, 1896, have added many difficulties to the administration of the law. That sweeping amendment to the rules brought into the list of classified places every position to which the Secretary makes appointment in the Treasury Department, except two clerical places and the mere laborers and charwomen. In framing such an inclusive order it is not surprising that places have been brought into the classified service that ought not to be there. At the time every position in this Department was brought within the classification the best friends of the merit system, had the situation been examined more carefully, would probably have admitted that the classification should not be complete. Now, after an experience of nearly two years, it is shown conclusively that there are positions which were classified by this inclusive order that should, for the best interests of the service and for the best interests of the merit system,

To the SENATE OF THE UNITED STATES:

The Secretary of State, to whom was addressed the resolution of the Senate of December 18, 1897, reading as follows—

Resolved, That the heads of the several Executive Departments, respectively, be directed to inform the Senate what appointive positions, if any, in their respective Departments should, in their opinion, be excepted from the operation of the laws governing the civil service or the rules established by the Civil Service Commission; and further

Resolved, That the said heads of the several Executive Departments, respectively, be directed to inform the Senate what changes or amendments to the present civil-service rules seem to be desirable, as indicated by their experience—

has the honor to make report so far as concerns the Department of State.

I found upon entering upon my duties as Secretary of State that the entire clerical force of the Department, including the chief clerk, at $2,500, and six chiefs of bureaus, at $2,100 each, was covered by the civil-service law under a Presidential order extending its operations so as to embrace those officers.

My opinion is that these seven positions should "be excepted from the operations of the laws governing the civil service, or the rules established by the Civil Service Commission," and I so recommend should any changes or amendments to the present civil-service law or rules be contemplated. These officers should be either appointed by the President, by and with the advice and consent of the Senate, or the Secretary of State should be, as formerly, acting for the President, empowered to appoint them.

All these officers bear a close personal relation to the Secretary of State in the conduct of the Department's official business. It is through them, under the assistant secretaries, he is enabled to transact his official duties, and it would seem to be the part of prudence and discretion that they should be in sympathetic touch with the head of the Department to insure cooperation and harmony of action. It is probable that the Secretary of State may not wish to exercise the power conferred upon him to make removals and appointments in these particular positions, but his hands should not be tied or his authority limited whenever, in his judgment, the best interests of the public service demand a change. This freedom of action on the part of the Secretary of State, which should never have been curtailed, would, I believe, promote the public interests. It should certainly instill in those officers a desire to render the best possible service to the Department and stimulate their highest endeavors to discharge their official duties in harmony with the wishes of the Secretary of State.

I may say frankly that my recommendation for a change in this respect is not based upon any want of fidelity on the part of the gentlemen who are at present occupying the seven positions named, or because of a desire to remove any one of them and appoint his successor. They have uniformly shown a commendable spirit of energy and fidelity in carrying forward the great volume of the Department's work, which I can not fail to recognize and appreciate. I have made the recommendation solely because I believe the persons competent to fill these necessarily quasi confidential and important positions should be instantly and freely subject to change by the President or the Secretary of State. I think the service would be benefited by excepting these seven positions from the operations of the civil-service laws.

Respectfully submitted. JOHN SHERMAN.

DEPARTMENT OF STATE,
Washington, January 5, 1898.

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AMENDMENTS TO CIVIL-SERVICE RULES.

LETTER

FROM

THE ATTORNEY-GENERAL,

IN RESPONSE TO

RESOLUTION OF THE SENATE OF DECEMBER 18, 1897, RELATIVE TO CHANGES OR AMENDMENTS TO THE PRESENT CIVIL-SERVICE RULES.

JANUARY 7, 1898.—Referred to the Committee on Civil Service and Retrenchment and ordered to be printed.

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY-GENERAL,
Washington, D. C., January 5, 1898.

SIR: In response to the resolution of the Senate of December 18, 1897, directing the heads of the several Executive Departments to inform the Senate what appointive positions, if any, in their respective Departments should in their opinion be excepted from the operation of the laws governing the civil service or the rules established by the Civil Service Commission, and to inform the Senate what changes or amendments to the present civil-service rules seem to be desirable, as indicated by their experience, I have the honor to reply that by an amendment of Rule III of the civil-service rules the "Classified service" is made to include all officers in the several Executive Departments. This necessarily includes (regarding the letter of the provision) all attorneys and assistant attorneys, including in the latter class assistant district attorneys.

There is an exception made by Rule VI, as follows:

(c) Attorneys or assistant attorneys in any Department whose main duties are connected with the management of cases in court.

Passing without comment the ambiguity of this provision, the distinction it makes between the duties of attorneys is artificial and unsound. Attorneys and assistant attorneys, including in the latter assistant district attorneys, should be removed from the "Classified service."

In this recommendation I have only considered the civil-service law and rules by themselves, and without reference or regard to statutes which may be said to modify or conflict with them, and the same comment may be made as to the recommendation in regard to deputy

marshals. Office deputy marshals are said to be included in the "Classified service" by that part of Rule III which provides as follows:

> * * * The departmental service shall include officers and employees as follows: * * * (*b*) All executive officers and employees outside of the District of Columbia * * * who are serving in a clerical capacity, or whose duties are in whole or in part of a clerical nature.

There is, however, a conflict of opinion as to the effect of this provision as against certain provisions of the Revised Statutes. The Comptroller of the Treasury holds that the terms of deputies expire with those of their principals. This view has been sustained by Judge Rogers of the western district of Arkansas, and opposed by Judge Jackson of the district of West Virginia. It is not necessary to decide between these views. Considering the relations between a marshal and his deputies, the latter should not be in the "Classified service," and all doubts should be removed by an explicit amendment to the rules.

The other positions in this Department, as indicated by my present experience, may fairly be said to be properly within the reason and purpose of the civil-service law.

By an amendment to the civil-service rules made May 6, 1896, there was created in the "Classified service" positions termed "excepted positions," and these were defined to be by decision (*e*), Rule I, "any position within the provisions of the civil-service act, but excepted from the requirements of competitive examination or registration for appointment thereto." In this class are all attorneys and assistant attorneys, even though their "main duties are connected with the management of cases in court." The position is an unsatisfactory one. Every removal will be invidious and complained of as being for political reasons. I therefore recommend that the "excepted positions" be abolished.

Respectfully,

JOSEPH MCKENNA,
Attorney-General.

The PRESIDENT OF THE SENATE.

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55TH CONGRESS, 2d Session. } SENATE. { DOCUMENT 41, Part 3.

CIVIL SERVICE IN THE EXECUTIVE DEPARTMENTS.

LETTERS

FROM

THE POSTMASTER-GENERAL, THE SECRETARY OF THE NAVY, AND THE SECRETARY OF THE INTERIOR,

IN RESPONSE TO

RESOLUTION OF THE SENATE OF DECEMBER 18, 1897, RELATIVE TO CHANGES OR AMENDMENTS TO THE PRESENT CIVIL-SERVICE RULES.

JANUARY 10, 1898.—Referred to the Committee on Civil Service and Retrenchment and ordered to be printed.

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., January 10, 1898.

The PRESIDENT OF THE SENATE:

I am in receipt of the resolutions of the Senate dated December 18, 1897, which were as follows:

Resolved, That the heads of the several Executive Departments, respectively, be directed to inform the Senate what appointive positions, if any, in their respective Departments should, in their opinion, be excepted from the operation of the laws governing the civil service, or the rules established by the Civil Service Commission; and further,

Resolved, That the said heads of the several Executive Departments, respectively, be directed to inform the Senate what changes or amendments to the present civil-service rules seem to be desirable, as indicated by their experience.

In my judgment, the following positions should be excepted from the rules governing the classified civil service, in addition to those of private secretary and confidential clerk to the Postmaster-General and unskilled laborers, which are now exempt: Chief clerk of the Post-Office Department; disbursing clerk; appointment clerk; private secretary and chief clerk to each of the four Assistant Postmasters-General; private secretary and confidential clerk to the Assistant Attorney-General for the Post-Office Department; and confidential clerk to the chief post-office inspector; postal-card agent; postage-stamp agent; stamped-envelope agent; five post-office inspectors; watchmen; firemen; assistant messengers; pages; laborers of all kinds, and charwomen.

In the post-offices throughout the country I would recommend the following exceptions: Superintendents or clerks in charge of carrier

stations; assistant cashiers; private secretaries and stenographers to the postmasters in the larger offices; messengers; porters; cleaners; janitors; watchmen, and laborers.

I am not prepared to recommend any changes or amendments to the present civil-service rules.

Respectfully submitted.

JAS. A. GARY,
Postmaster-General.

NAVY DEPARTMENT,
Washington, January 7, 1898.

SIR: In compliance with the resolve of the Senate, dated December 18, 1897, the Navy Department has the honor to say that, in its opinion, the only amendment which its experience suggests in the laws governing the civil service, or the rules established by the Civil Service Commission, relates to the latter—the rules.

The amendment regarded as desirable is that the Civil Service Commission shall approve what may be called a navy-yard order, providing that the Secretary of the Navy may, upon a competitive examination by a board of naval officers, appoint certain employees at navy-yards, etc. (other than clerks, messengers, watchmen, and draftsmen), whom the Commission either does not have on its eligible lists, or are unable to supply without unreasonable delay. There have been several cases—one of a leveler and rodman, another of a special laborer having technical knowledge of machinery—whom the Commission were several months in furnishing, and whose services were very much needed during that time.

Very respectfully,

JOHN D. LONG,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
Washington, January 10, 1898.

SIR: I have the honor to acknowledge the receipt of the following resolution passed by the Senate December 18, 1897:

Resolved, That the heads of the several Executive Departments, respectively, be directed to inform the Senate what appointive positions, if any, in their respective Departments should, in their opinion, be excepted from the operation of the laws governing the civil service or the rules established by the Civil Service Commission; and further,

Resolved, That the said heads of the several Executive Departments, respectively, be directed to inform the Senate what changes or amendments to the present civil-service rules seem to be desirable, as indicated by their experience.

In response thereto I have to state that in my judgment the following positions in this Department should "be excepted from the operation of the laws governing the civil service or the rules established by the Civil Service Commission," to wit:

Office of the Secretary:
- The Chief Clerk of the Department.
- The special land inspector.
- 1 private secretary (now exempt).
- 1 confidential clerk (now exempt).

Office of the First Assistant Secretary:
- 1 clerk to act as private secretary or confidential clerk.

Office of the Assistant Secretary:
- 1 clerk to act as private secretary or confidential clerk.
- The members of the Board of Pension Appeals, attorneys.

Office of the Assistant Attorney-General for the Interior Department:
1 clerk to act as private secretary or confidential clerk.
The assistant attorneys of the office.

The General Land Office:
1 chief clerk of the Bureau.
1 clerk to act as private secretary or confidential clerk.
1 depositary to the Commissioner, acting as receiver of public moneys; a bonded officer.
Inspectors of surveyors-general and district land offices.
Special agents for examination of surveys.
Special agents, unspecified service, but assigned to depredations on public timber, protecting public lands and swamp lands, etc., varying in number according to the requirements of the service.
Law examiners and law clerks (2 of each grade).
Inspectors of coal mines in the Territories (Presidential appointments not confirmed by the Senate, but included in the classified service).
Clerks employed temporarily in, and contest clerks in local land offices; paid from special deposits, not Government funds.
Clerks employed temporarily in and per diem clerks in the offices of the surveyors-general; paid from special deposits, not Government funds.

Office of Indian Affairs:
One clerk to act as private secretary or confidential clerk.
Special Indian agents.
Special agents for the allotment of lands in severalty.
All special commissioners to negotiate with the Indians for any purpose whatsoever.
Supervisors of Indian schools.
Examiners of Indian timber lands.
Engineers to make surveys of reservation boundary lines and surveyors at Indian agencies.
Superintendents of warehouses, irrigation, and logging.
Head clerk at each Indian agency to act as agent during the absence or disability of the agent proper.
All agency employees of a subordinate character, such as farmer, assistant farmer, blacksmiths, shoemakers, tailors, butchers, herders, harnessmakers, storekeepers, millers, wheelwrights, nurserymen, painters, carpenters, teamsters, and similar positions, requiring knowledge of trades and manual skill, but not much education.
Indian school employees, such as cooks, laundress, seamstress, watchmen, bakers, nurses, janitors, tinuers, dairymen, firemen, shoe and harness makers, and other occupations similar in character, requiring no great educational qualifications.

Pension Office:
1 chief clerk of the Bureau.
1 clerk to act as private secretary or confidential clerk.
The medical referee of the Bureau.
Special examiners to investigate fraudulent and other pension claims.

Pension agency service:
1 chief clerk at each agency.
1 clerk at each agency designated to sign checks for the agent and act as confidential clerk.

Education Office:
The Alaska school service: Employment therein is temporary in character; difficulty has been experienced in filling positions, owing to great distance to the schools and their comparative isolation, etc.

The Patent Office:
1 chief clerk of the Bureau; a bonded officer.
1 clerk to act as private secretary or confidential clerk.
The financial clerk; a bonded officer.
1 skilled laborer; a mechanic of sufficient skill to enable him to assist in taking care of and repairing models, etc.
1 messenger and property clerk; in charge of the laboring force and of such property as it is necessary to store, clean, or renew from time to time.

The Geological Survey:
Printers' assistants; boys employed at a nominal compensation.

Miscellaneous:
The superintendent of the Hot Springs Reservation.

Very respectfully,

C. N. BLISS, *Secretary*.

The PRESIDENT OF THE SENATE.

55TH CONGRESS, 2d Session. } SENATE. { DOCUMENT No. 42.

EMPLOYEES IN LIBRARY OF CONGRESS.

LETTER FROM THE LIBRARIAN OF CONGRESS, TRANSMITTING, IN RESPONSE TO RESOLUTION OF THE SENATE OF DECEMBER 17, 1897, A STATEMENT SHOWING THE NAMES OF ALL EMPLOYEES APPOINTED BY HIM TO PLACES IN THE LIBRARY.

JANUARY 5, 1898.—Referred to the Committee on the Library and ordered to be printed.

LIBRARY OF CONGRESS,
Washington, December 23, 1897.

SIR: I have the honor to acknowledge the resolution of the Senate, passed December 17, directing the Librarian of Congress "To transmit to the Senate a statement showing the names of all employees appointed by him to places in the Library, together with the States or Territories from which they were severally appointed; and also such information as may be in possession of the Librarian as to any special library training or experience of such appointees prior to the time of appointment."

The information in the possession of the Librarian, as to the special library training and experience of those appointed by him, was gathered from papers filed, from letters and credentials addressed to the Librarian, from conversations with those recommending applicants for office, and from general inquiry as to the character, ability, and education of the candidates, as well as from personal observation. Of the 70 appointments thus made 40 were found to have had experience in as well as training for the work assigned them. Twenty-four were without training, but showed special aptitude for library service, while 6 were selected for minor places because of intelligence and integrity.

Taking the Library staff as it now stands, those named by the Librarian, together with those retained by him, it will be found that 72 have had library experience or special training for their work; that 25 did not possess this experience but showed fitness, while 7 in minor positions were named for fitness in their humble offices.

In contemplation of the duty of choosing for the Library none but those possessing aptitude, the Librarian, on the 2d of August, named a board, composed of three gentlemen of experience in library work to examine the appointees. The duties of the board were specified in the following letter addressed to the members:

Under the provisions of the act approved February 19, 1897, it is the duty of the Librarian to make all the appointments "by reason of special aptitude for the work of the Library."

To carry out this provision of the law, three members of the present Library staff, possessing large experience in Library work, have been chosen to examine each candidate as to "special aptitude for the work of the Library."

This inquiry will embrace fitness for Library service; education, intellectual capacity, experience, manners, personal habits, and standing. The examinations will not be severe nor technical. We can not hope to have a staff of completely

trained assistants in the junior branch of the service—such offices, for instance, as pay $720 a year. In these minor offices there should be an elementary knowledge or training which could be perfected in our own Library. The members of the board will therefore use their own judgment, and, noting that capacity which needs only experience and development, give the candidate an opportunity. In the higher branches of the service evidence of the higher training should be expected.

All proceedings before the board—the scope of inquiry—and the names of the candidates should be confidential. A written report in each case will be submitted to the Librarian.

I should be happy to have you serve as a member of the board.

The necessity of transferring the vast collections from the Capitol to the new Library has thus far made it impossible for the members of the board to spare the time requisite for the examination. Questions, however, have been prepared, and it is hoped that the work will be over soon after the new year.

Nominations were made as the removal developed and added service was required. Each nomination was in contemplation of the statute providing for "special aptitude for the work of the Library."

The law divides the Library into various separate and distinct sections, each requiring special fitness. In some, technical training and experience are indispensable. In others—the copyright bureau, for instance—the main requisite is a general business education or familiarity with clerical work.

There is the reading room, where knowledge of books and library work is paramount. There are likewise the departments of the catalogue, law, music, periodicals, graphic art, maps and charts, and manuscripts. Thus musical education was sought for in the musical section, newspaper experience for the department of newspapers and periodicals, an acquaintance with the requirements of a law library for the law department. Some were chosen because of their familiarity with bibliography and foreign languages; others for proficiency in typewriting and stenography.

Ten of those appointed were assigned to services of a special nature inseparable from Library economy, such as the management of the electric carrier between the new Library and the Capitol, the mail service, the bindery, the Smithsonian collection, the rooms reserved for Senators and Representatives, and other employments.

As contemplated in the letter above quoted appointing the board of examiners, some of the nominations were those of young people who, having shown evidences of aptness, may be trained for advancement in the Library.

The list of employees on the Library roll is as follows:

Name.	State.	Name.	State.
A. R. Spofford	Ohio.	Margarett L. Hazzard	Ohio.
David Hutcheson	District of Columbia.	Anna W. Israel	Michigan.
A. P. C. Griffin	Massachusetts.	Paul L. Dunbar	New York.
John G. Morrison	Iowa.	Fred L. Grosvenor	Maryland.
H. A. Morrison, jr	Maryland.	Maude I. Dakin	New York.
W. T. Moore	Michigan.	Anna M. Rea	Pennsylvania.
D. V. Jones	Nevada.	W. H. Grimshaw	New York.
Daniel Murray	District of Columbia.	W. Beckett	District of Columbia.
Frederick Fowler	Maryland.	J. S. Burlingham	Maine.
Hamilton Rucker	Virginia.	A. N. Starkes	Illinois.
M. I. Cavanagh	Illinois.	Lawrence Washington	Virginia.
Anita Stephens	Ohio.	Blanche P. Brown	District of Columbia.
F. W. Hebard	Do.	Louis Alexander	Pennsylvania.
Etta J. Griffin	California.	Edward A. Lee	Ohio.
F. A. Marx	New York.	George W. Haynes	District of Columbia.
John Barnes	Missouri.	F. D. Casey	Louisiana.
Eliza Logie	Michigan.	John Connell	Pennsylvania.
Nellie E. Bealin	Iowa.	J. C. M. Hanson	Wisconsin.

Name.	State.	Name.	State.
L. C. Solyom	New York.	Marion W. Kirkus	District of Columbia.
Charles Martel	Illinois.	Thomas H. Clark	Alabama.
S. R. Kyle	South Dakota.	George Kearney	Virginia.
Cyrus Adler	Maryland.	J. F. N. Wilkinson	District of Columbia.
J. C. Strout	Maine.	P. H. Gant	Maryland.
W. H. Morse	Rhode Island.	Thorvald Solberg	Massachusetts.
A. R. Kimball	New Hampshire.	F. E. Brockway	New York.
H. M. Jordan	Maine.	L. B. Cool	Ohio.
Paul Neuhaus	Ohio.	Arthur Crisfield	Maryland.
H. C. Finkelstein	New York.	T. J. Putnam	Massachusetts.
Berta C. Morris	Tennessee.	O. C. Wilson	Pennsylvania.
Alice Griswold	Iowa.	C. T. Richie	Maryland.
Bella K. Bourgeat	District of Columbia.	J. W. Crooks	Illinois.
Eva J. Lawton	Do.	S. M. Croft	North Dakota.
Effie J. Curtis	Iowa.	Mark H. Hopkins	District of Columbia.
Thomas G. Alvord	New York.	H. C. Chase	Maryland.
James C. Burlis	District of Columbia.	C. A. Clemons	New York.
Jessie P. Wood	Rhode Island.	C. P. Grady	Minnesota.
David E. Roberts	Maryland.	Ida Pifer	Wisconsin.
P. Lee Phillips	District of Columbia.	Barry Mohun	District of Columbia.
Robert L. Longstreet	Georgia.	Virginia C. Thompson	Kentucky.
Ellen M. Harrison	Illinois.	J. L. Downs	Indiana.
A. B. Slauson	Oregon.	B. F. Taylor	New Jersey.
J. V. Ingram	District of Columbia.	Bessie C. Cockrell	Missouri.
R. M. McKenzie	New Jersey.	Bessie A. Dwyer	Texas.
George A. Townsend, jr.	Maryland.	Charlotte A. Barrett	Illinois.
Herbert Friedenwald	Pennsylvania.	Edna R. Whitman	New York.
J. C. Fitzpatrick	District of Columbia.	Minnie V. Stinson	Georgia.
W. R. Whittlesey	Virginia.	Annette Iardella	Maine.
Myrta L. Mason	Illinois.	Caroline R. Foster	Vermont.
L. Crandall, jr	Arizona.	Anna R. Mohun	District of Columbia.
Emma D. Richard	Pennsylvania.	Susie Fitz-Gibbon	New York.
J. Q. Howard	New York.	Maude J. Shoemaker	Ohio.
Robert Carson	Pennsylvania.	B. R. Young	Pennsylvania.

In recapitulation the various appointments may be classified as follows:

General Library	22
Copyright department	29
Catalogue department	12
Law Library	4
Music department	4
Art department	2
Periodical department	4
Manuscripts	2
Maps and charts	3
Special service	10
Stenography	3
Attendants	7
Watchmen	2
Total	104

All nominations have been made upon probation, to become permanent after the close of the pending examination.

Very respectfully,

JOHN RUSSELL YOUNG,
Librarian of Congress.

Hon. GARRET A. HOBART,
Vice-President.

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55TH CONGRESS, 2d Session. } SENATE. { DOCUMENT No. 43.

AMENDMENTS TO INTERSTATE-COMMERCE LAW.

JANUARY 5, 1898.—Referred to the Committee on Interstate Commerce and ordered to be printed.

Mr. CULLOM presented the following

MEMORIAL OF L. B. BOSWELL, OF THE QUINCY (ILL.) FREIGHT BUREAU, RELATIVE TO PROPOSED AMENDMENTS TO THE INTERSTATE-COMMERCE LAW.

THE QUINCY FREIGHT BUREAU,
Quincy, Ill., December 29, 1897.

DEAR SIR: Complying with your request, I beg to submit the following with regard to the proposed amendments to the interstate-commerce law, briefly referred to in our conversation during my call upon you on the 18th instant:

POOLING.

First. It is contrary to public policy, and railroads will be enabled to organize a trust under the sanction of law in carrying out such a proposition.

Second. The effect upon larger cities may be of a beneficial character as between given centers, which may be classified as common distributing points. These naturally receive the benefits of competition, but the effect upon interior points or cities less favored can not be otherwise than disastrous as a result of the business to and from such places being controlled by a pool.

Agreed rates, higher proportioned than those in force on the same class of goods to larger distributing points, will necessarily prevail, regardless of distance. The tonnage in and out will be divided beforehand by agreement between the railroads operating to these interior localities, so that any semblance to competition will be removed.

This condition disrupts and destroys smaller localities and forces concentration of factories and jobbers within the larger cities where the possibilities of competition, or less arbitrary rules of a pool, makes it possible for them to enjoy special favors and a lower basis of agreed rates.

Third. Assuming that pooling is allowed under the interstate-commerce law subject to restrictions vested in the commission, even to the extent of nullification or abrogation of any pooling contract that may be entered into between railroads, this condition then confronts us. After the pools or agreements between railroads have been formed and regularly filed with the commission so as to become operative, railroad companies and shippers will, in the course of business, enter into time contracts for the moving of freight which, at the time of making, may be in regular form and sanctioned by law.

Now, subsequently, the Interstate Commerce Commission may, after information and due process, declare a particular pool to be contrary to law, and order its abrogation. The railroad companies comprising this pool may comply with the orders of the commission under the law and the pool be dissolved, but what is to become of the contract which has been made between the shipper and the railroads? Will this contract cease and determine coincident with the dissolution of the pool or will it continue to apply in full force until it expires by limitation? It can not be contended that the contract made between the shipper and railroad company is contrary to law, as it would be entered into in good faith during the time the pool was operating under the sanction and protection of the law. Will not the Constitution of the United States protect such contracts or agreements under the clause which prohibits any act against the impairment of contracts, and thereby keep them in full force until the date set for expiration? The effect would be to maintain the pool in spirit and in fact, even after its dissolution had been decreed by the commission or the courts.

Can not this method be adopted for discriminating in favor of individuals or localities, and thus defeat the law and the commission by being beyond the reach or control of either? For if railroads are disposed to make contracts with shippers, as above indicated, on the basis of minimum charges for freight or at special rates, so as to protect the favored ones who may come under the head of oil, coal, wheat, sugar, beef, or other interests or commodities, the result would be that the contracts made by and between them would extend for the full term, which might be months or longer and the pool itself be out of existence in the meantime. The law protects the innocent party, for such the shipper would be, and although the amendments proposed confer upon the commission the power of nullification, they extend only as far as the contracts between the railroad companies are concerned. They do not reach those with whom the railroads make contracts, who are not in the nature of transportation companies. Such contracts must continue until the date for expiration named in them. Shippers in such an instance would occupy the same position that the innocent holder of a promissory note would do, and would be absolved from the operation of this law.

This proposition is not chimerical, but is a condition precedent to the act and must needs have due consideration in connection with the proposition to legalize pools among railroad companies.

Now, if this view prevails, then the fundamental principle of pooling must fall to the ground, as it fails to accomplish that which the claims and arguments in its favor pretend it will and shall—equality and freedom from unjust discrimination. Unless the law is to be equal, exact, and just to all shippers and communities in its operation, it becomes a dangerous law, and it would be better for shippers to transact business with the railroads without the interstate commerce act or expected protection under the law and the commission rather than be obliged to face such a contingency as a pool would thus create.

Fourth. It is not intended on the part of shippers to handicap the railroad organizations of our country in doing business and receiving a fair and legitimate profit, for commerce and railroads are synonymous terms and each requires the other; but it must be apparent to you that it is the railroads and not the people who are clamoring for pools, and the underlying dangers are in the exercise of the powers which may be conferred upon a combination of organizations, the result of which can be made inimical to both individuals and communities.

It is certainly necessary for railroad companies to have working arrangements providing for the interchange of traffic, establishing proportions and tariffs on through freight, and the promulgation of agreements similar to those which are now in effect among and between them; also sufficient latitude with regard to long and short hauls to permit the distribution of products to more remote parts of the country at a less ratio of cost than for nearer places. But in the application of such principles as are herein discussed no law should be framed that will debar interior points which may be controlled by the application of a pool from fair protection and participation in favorable proportions of freight divisions. But in granting these rights for the interchange of traffic, tariffs, and basis for proportions, if it is necessary to do so by law, then the law should be plain and free from ambiguities, with reserved rights to the people, and not place in the hands of the few, even by implication, detrimentally, the power and control over the business interests or fortunes of the many.

Fifth. Competition for business now prevails among railroads, as among merchants, and one class should not be favored by legislation over another. A pooling law would be class legislation, as it legislates for the benefit and combined interest of one class of commerce as against another. The class not so provided for is the one that sustains and supports the other by money payments and other valuable considerations.

Sixth. Pools among railroads will result to a large extent in the destruction of a spirit of enterprise as applied to the betterment of service or the improvement of facilities, either general or local; the concentration and arbitrary use of local powers in the hands of subordinates; the consequent reduction of employees, as one representative may serve for many lines. Competition in soliciting will be largely removed by reason of an agreement or pool for the division of freight and profits, and freight may be diverted from roads giving better service to those less desirable, without the consent of or redress on the part of the shipper.

Seventh. Assuming the passage of a pooling act placing the powers proposed in the hands of the Interstate Commerce Commission, and after information and due process a pooling contract is declared null and void by the commission, have not the railroads in the pool the right, by injunction or other legal procedure, to set aside the proposed powers of the commission, nullify for the time being its decision and through legal process throw the cases into court, maintain the pool, and continue its operation during the interim until a decision is obtained at some future date through the slow process of the courts? If the view prevails, injustice, even to the extent of bankrupting local merchants, may result from discriminations or unjust exactions, which may continue to exist between the time of relief ordered by the commission and that which might ultimately be obtained through the decision of the courts.

The necessities of merchants require immediate relief where damage is wrought, and unless this is promptly and absolutely provided for the provisions in the law would be futile, for the redress would be delayed until a subsequent date and during the interim the shippers' business destroyed. This would defeat at once the very spirit and intent of the act in its original conception, and certainly raises a barrier against the enactment of a pooling law. Rather let the common law of the land protect the individual than have the semblance of protection under an enactment that may have the outward form of fairness and justice, but contain the demon of death to enterprise.

The fact must not be overlooked or forgotten that the great railroad organizations of this country have in their employ the ablest and most skilled attorneys and jurists, whose duty it is to watch their interests and be ever ready to claim every advantage that can possibly be obtained by any construction of the law favorable to them, whereas the people are without such a representation and must needs look to the National Congress through their Representatives to wisely protect their interests in the enactment of laws, so that when they are arrayed against this mighty bulwark of legal talent the simple David may be prepared to meet the giant Goliath.

Seventh. The creation of a pool, the promulgation of its proportions, tariffs, agreed rates, and rules of government as applied to shippers and communities, would be entirely ex parte. It would not be until after information and due process that even the commission could enter as a party to the consideration of inequalities, and on injunction obtained by railroads could delay or impede correction of grievances until court decisions could be obtained. The shipper is always a party to such tariffs, proportions, and divisions, as he pays the freight and has a valuable interest in such agreements. He must not be neglected in the protection of his interests to be afforded by law, nor delayed in obtaining immediate relief from unjust regulations or discriminating tariffs.

Eighth. Having shown some of the objections which, from a shipper's standpoint, may be raised against the passage of a law authorizing pooling, you may ask what proposition we may have to submit on the contra side of the case. In answer I will say, "Maintain the law as it is now shown in the fifth clause of the interstate commerce act, which prohibits pooling, admitting an amendment which will permit railroad companies to have the privilege of creating and maintaining agreements for the interchange of traffic on through business, establishing divisions or proportions as they may determine upon, as applied to the distribution of the revenue to be derived." This may be required on the part of the railroad companies for maintaining such rules and regulations, as they may establish for the purpose of expediting business as well as harmonizing their own interests, one with the other; but nothing should be permitted to be done that will in any wise contravene or destroy the intent of the law applied to pooling under the fifth clause of the act. Further, that such agreements as railroad companies may enter into with each other for the purposes mentioned, shall be filed with the Interstate Commerce Commission, subject to being annulled by them if found to be contrary to the law.

POWERS OF THE COMMISSION.

I strongly advocate the retention of the Interstate Commerce Commission as a whole, as it is absolutely necessary to preserve and maintain a body independent of shippers and railroads, who may act as a mediator or arbitrator between the two interests, and whose powers shall be so broadened as to give them the right not only of inquiry, but also of decision.

The decisions of the commission should prevail and command the respect of both railroads and shippers by force of law until the courts may show them to be in error. Granting this right to the commission, even to the extent of establishing and enforcing maximum and minimum rates in cases where a complaint is made, either upon their own motion or information filed by a shipper or shipper's organization show-

ing unjust discriminations to exist to the detriment of either individuals or communities. This will provide for immediate relief where, in the judgment of the commission, it is required, so the loss of business may not be entailed upon shippers pending the decision of the courts in case an appeal is taken. In the event of an appeal being taken to the courts, then the court should by decree establish the maximum or minimum rates for the government of all parties in interest. Unless the commission has such discretionary powers, it reduces it simply to a body of inquiry and not of effect. I do not think it feasible or practical for the commission to attempt to establish rates of freight for the railroad companies in the broad sense of this question, but there must be a saving clause somewhere as applied to shippers. This would be obtained by conferring upon the commission the right and power to modify, substitute, or annul the rates of freight which they may find to be unjust or discriminating, either upon their own inquiry or after complaint has been made.

NATIONAL UNIFORM CLASSIFICATION.

I heartily recommend a uniform classification among all railroads; but I believe that the railroad companies, by reason of their better knowledge of the subject, due to the intricacies connected with the divisions of freight, should be the parties to prepare a uniform classification. It must be remembered that the basis for freight rates is largely affected by the classification, and expert knowledge is required to establish an equitable and fair medium of freight rates. But as there seems to be a want of unanimity on this subject among railroads, it would be well to first give them an opportunity to prepare and put into effect a national uniform classification, and if, after January 1, 1899, they fail to comply with the law, make it obligatory upon the commission to prepare and enforce a classification in accordance with the recommendations which they have made from time to time in their annual reports.

I have not touched upon other important points connected with the amendments proposed, and, having consumed more of your valuable time than I had intended, will not do so in this communication.

Thanking you for your courtesy, and with the hope that the expressions herein above given may receive your consideration, I have the honor to remain,

Yours, truly,

L. B. BOSWELL.

Hon. SHELBY M. CULLOM,
Chairman Committee on Interstate Commerce, Washington, D. C.

55TH CONGRESS, 2d Session. } SENATE. { DOCUMENT No. 44.

RAILWAY AND STEAMSHIP MAIL CONTRACTS.

LETTER

FROM

THE POSTMASTER GENERAL,

IN COMPLIANCE

WITH SENATE RESOLUTION OF DECEMBER 18, 1897, RELATIVE TO RAILWAY AND STEAMSHIP MAIL CONTRACTS.

JANUARY 5, 1898.—Referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., December 23, 1897.

SIR: In compliance with the Senate resolution of the 18th instant, directing that the Senate be informed of all railway and steamship mail contracts, the names of the persons or companies with whom made, the services to be performed, and the sum to be paid by the United States, I have the honor to forward herewith a copy of the Report of the Second Assistant Postmaster-General for 1897. Table C of that report shows the railroad mail service in operation on June 30, 1897, the number of the route, the terminal points, the title of the company, the length of the route, the rate of pay per mile per annum, the rate of pay per annum, the average number of trips per week for each route.

It also gives the same information relative to railway post-office cars, where such cars have been authorized, as well as the number of lines and length of the cars authorized to be used on the route.

The rates for compensation for service on the railroad routes in the first section were readjusted from July 1, 1897.

The information called for in relation to these routes is shown in Table H of the report.

Table D of the report shows the steamboat mail service as authorized and in operation on June 30, 1897, giving in each case the number of the route, the terminal points, the name of the company or person operating the route, the annual rate of compensation, the length of the route, the number of trips per week, the length of time during each year that service is in operation, where the period is less than the full year.

The accompanying memorandum from the Superintendent of Foreign Mails shows the steamship mail contracts now in force, the number of

the route, the contractors, the terminal points, the number of trips per year, the rate per mile, the length of trip, and the rate of compensation per annum for each route.

Very respectfully,

JAS. A. GARY,
Postmaster-General.

The PRESIDENT OF THE SENATE.

Memorandum of all steamship mail contracts made with the United States and now in force, the names of the persons or companies with whom made, the services to be performed, and the sum to be paid by the United States therefor.

CONTRACT SERVICE.

	Per annum.
Route No. 36, "O. M. S." (Contractors Red "D" Line), New York to La Guayra, three times a month, 36 trips a year, of 2,258 miles = 81,288 statute miles, at $1 a mile	$81,288.00
Route No. 57, "O. M. S." (Contractors International Navigation Company), New York to Southampton, once a week, 52 trips a year, of 3,641 miles = 189,332 statute miles, at $4 a mile	757,328.00
Route No. 69, "O. M. S." (Contractors New York and Cuba Mail Steamship Company), New York to Tuxpam, via Havana and certain Mexican ports, once a week, 52 trips a year, of 2,502 miles = 130,104 statute miles, at $1 a mile	130,104.00
Route No. 70, "O. M. S." (Contractors New York and Cuba Mail Steamship Company), New York to Havana, once a week, 52 trips a year, of 1,413 miles = 73,476 statute miles, at $1 a mile	73,476.00
Total contract service	1,042,196.00

N. M. BROOKS,
Superintendent Foreign Mails.

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55TH CONGRESS, 2d Session. } SENATE. { DOCUMENT No. 45.

CENTRAL PACIFIC RAILROAD.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING,

IN RESPONSE TO RESOLUTION OF THE SENATE OF DECEMBER 16, 1897, CALLING FOR ITEMIZED STATEMENT OF THE RECEIPTS AND EXPENDITURES OF THE CENTRAL PACIFIC RAILROAD FOR EACH YEAR FROM 1871 TO 1897, REPORT THEREON BY THE COMMISSIONER OF RAILROADS.

JANUARY 5, 1898.—Referred to the Committee on Pacific Railroads and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, January 3, 1898.

SIR: I have the honor to acknowledge the receipt of a resolution of the Senate, dated December 16, 1897, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish the Senate with an itemized statement of the receipts and expenditures of the Central Pacific Railroad for each year from 1871 to 1897, said statement to show the amounts expended for subsidies to the Pacific Mail Steamship Company and the amount paid into the sinking fund each year.

In answer, I inclose herein a copy of the report thereon by the Commissioner of Railroads under date of December 23, 1897, together with its inclosures. These papers supply the information called for in the resolution.

Very respectfully,

C. N. BLISS, *Secretary.*

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF COMMISSIONER OF RAILROADS,
Washington, D. C., December 23, 1897.

SIR: I have the honor to acknowledge the receipt, by reference from your Department, of a resolution of the Senate dated December 16, 1897, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish the Senate with an itemized statement of the receipts and expenditures of the Central Pacific Railroad for each year from 1871 to 1897, said statement to show the amounts expended for subsidies to the Pacific Mail Steamship Company and the amount paid into the sinking fund each year.

In response thereto I inclose herewith six exhibits, in duplicate, showing—

Exhibit 1.—Earnings and expenses of the Central Pacific Railroad, whole line, by years, from January 1, 1871, to December 31, 1878, inclusive.

Exhibit 2.—The same from January 1, 1879, to June 30, 1897, inclusive.

Exhibit 3.—(*a*) Earnings and expenses of the aided portion from January 1, 1879, to December 31, 1889, inclusive, and (*b*) the same from January 1, 1890, to December 31, 1896, inclusive. For the years 1871 to 1878, inclusive, itemized reports were not rendered by the company for the aided portion, the net earnings on which the per cent due the Government was calculated being obtained by prorating the earnings of the whole line. A statement showing the earnings for these years of the aided portion, as obtained in the manner indicated, is appended to Exhibit No. 1.

Exhibit 4.—Amount expended for subsidies to the Pacific Mail Steamship Company, by years.

Exhibit 5.—Amounts paid into the sinking fund, by years.

The resolution is herewith returned.

Very respectfully,

JAMES LONGSTREET,
Commissioner.

The SECRETARY OF THE INTERIOR.

EXHIBIT No. 1.

Earnings and expenses of the Central Pacific Railroad Company, whole line, by years, from January 1, 1871, to December 31, 1878, inclusive.

	Year ending December 31—							
	1871.	1872.	1873.	1874.	1875.	1876.	1877.	1878.
EARNINGS.								
Freight	$4,653,811.75	$6,967,444.58	$7,462,894.92	$7,887,114.81	$9,056,072.50	$10,027,417.68	$9,738,099.20	$10,802,276.40
Passenger	3,486,239.29	4,065,210.00	4,418,417.42	4,723,866.94	5,509,369.32	5,589,304.43	5,483,704.35	5,284,913.07
Express	136,467.12	164,394.64	213,036.90	223,065.61	231,835.90	251,490.28	226,908.34	235,795.76
Mail	263,646.28	281,402.21	269,014.28	250,666.92	242,141.70	250,638.34	273,339.65	438,799.51
Miscellaneous	54,428.95	159,231.14	166,079.82	150,263.45	154,494.70	301,872.68	263,207.46	353,213.15
Sleeping-car	140,079.55	154,755.38	154,567.80	160,131.23	179,902.21	203,672.05	167,490.14	161,998.50
Telegraph	50,245.08	81,233.62	93,252.71	110,473.80	136,260.72	142,371.42	132,808.78	77,142.77
Rental	24,117.75	31,098.35	41,902.98	51,844.50	46,679.31	57,545.90	57,944.66	65,974.71
Baggage	38,901.69	54,154.80	44,698.45	53,603.37	61,193.70	75,350.82	52,897.77	51,112.52
Mileage	.....	4,715.35	.....	.....	47,131.87	94,543.10	48,791.16	16,883.22
Wharf	14,117.00	.....	87,70	.....	.....	.....	25,952.60	42,748.94
Surplus on material account	.....	.....	3,647.49	.....	.....	.....	.....	.....
Construction	.....	.....	.....	115,529.89	.....	.....	.....	.....
Total earnings	8,862,054.46	11,963,640.07	12,867,600.47	13,726,560.52	15,665,081.93	16,994,216.30	16,471,144.11	17,530,858.55
EXPENSES.								
Expense of superintendent	34,559.11	40,271.37	41,807.05	43,050.58	53,790.74	55,690.36	67,675.53	71,122.74
Station service	276,118.32	410,858.72	465,594.67	446,268.47	422,704.74	592,769,31	568,838.14	616,056.22
Telegraph service	102,912.09	130,139.04	133,655.54	149,059.38	172,747.14	180,965.67	199,077.34	105,741.46
Train service	310,686.99	360,131.86	388,363.85	404,150.68	462,490.64	490,821.00	505,631.95	511,653.78
Sleeping-car service	16,840.23	18,248.53	19,842.17	21,208.99	25,227.93	28,466.52	24,972.42	26,932.56
Ferry service	238,199.03	212,121.20	221,735.49	206,400.08	226,128.95	352,201.59	371,432.47	417,011.48
Lighterage service	.....	.....	.....	.....	.....	16,762.29	33,060.11	48,091.57
Wharf service	20,294.96	.....	2,354.52	.....	38,584.53	.....	10,368.80	.....
Locomotive service	899,076.38	1,240,738.21	1,339,106.14	1,413,336.04	1,653,500.73	1,746,222.56	1,788,978.35	1,716,058.83
Snow service	.....	34,104.03	.....	49,164.50	.....	135,638.16	50,490.30	57,556.76
Repairs of track	630,132.96	837,087.15	792,670.97	986,552.64	1,308,864.63	1,781,367.68	1,735,622.77	1,757,456.13
Repairs of snowshed	70,265.35	100,166.01	59,831.22	89,225.63	32,674.66	65,413.33	9,353.83	23,860.12
Repairs of bridges	68,490.73	99,198.98	65,110.97	31,146.27	44,359.71	58,078.14	84,445.67	158,272.29
Repairs of buildings	62,412.04	100,254.41	49,771.48	79,368.99	57,220.71	63,301.81	83,066.46	111,322.19
Repairs of engines	445,703.06	502,165.57	484,954.31	424,567.96	468,277.16	497,162.44	434,403.47	424,842.86
Repairs of cars	328,833.65	458,860.83	467,049.72	397,600.26	568,476.01	643,000.31	769,755.29	707,361.08
Repairs of docks	.....	.....	19,020.96	10,997.82	37,099.61	26,819.15	28,775.17	57,480.54
Office expense	79,540.35	91,676.79	102,420.59	157,645.66	162,697.63	181,869.48	194,736.16	218,969.10
Stationery and printing	40,382.68	35,323.76	42,598.96	40,384.80	39,046.27	40,932.67	40,384.26	46,886.03
Advertising	12,665.19	19,942.27	15,917.28	11,839.91	14,966.56	13,824.41	21,238.53	19,984.86
Loss and damage to freight	11,134.62	29,003.33	34,654.48	21,205.61	19,332.91	25,818.48	29,453.33	7,848.08
Damage, persons and property	59,035.83	41,166.84	18,062.87	42,341.51	51,066.56	23,850.39	35,659.74	11,073.41

Earnings and expenses of the Central Pacific Railroad Company, whole line, by years, etc.—Continued.

	Year ending December 31—							
	1871.	1872.	1873.	1874.	1875.	1876.	1877.	1878.
EXPENSES—continued.								
Miscellaneous expense	$34,447.66	$20,391.12	$19,747.95	$25,922.94	$28,138.29	$50,615.53	$58,524.40	$80,057.03
Water	47,829.14	91,314.65	57,156.96	49,713.83	50,021.99	50,080.89	73,800.37	67,527.21
Insurance and loss by fire	455.05	1,195.75	1,243.75	33,733.52	47,002.21	44,015.18	76,332.62	36,789.31
Leased railroads	.....	24,448.38	87,712.92	125,469.33	425,334.01	654,549.98	2,583,497.41	2,485,058.95
Scales and machinery	.....	.....	.....	7,393.06	.....	.....	.....	.....
Mileage	.....	.....	.....	.....	77,445.52	36,974.24	7,472.58	16,826.26
Tools	72,594.12	110,973.62	36,831.91	.....	.....	.....	.....	.....
Taxes, United States revenue	980.21	.....	.....	.....	.....	.....	26,594.41	.....
Snow plows	2,236.42	1,496.42	2,064.89	293.41	.....	.....	.....	.....
Vallejo Ferry	.....	.....	.....	.....	.....	.....	126,962.34	229,512.08
General expenses	212,953.93	233,272.17	178,089.80	245,867.86	395,350.15	469,327.74	482,558.53	646,363.08
Legal expenses	61,825.78	63,676.16	61,327.71	83,105.19	106,184.44	193,758.59	146,112.04	167,771.65
Taxes	276,227.70	239,972.00	315,821.94	278,022.41	400,855.09	340,508.72	293,848.75	310,986.16
Engineering	21,134.41	25,900.97	20,312.68	21,002.60	25,805.66	21,867.78	22,045.46	23,045.55
Disallowance by the United States	33,282.26	.....	18,336.44	5,996.02	.....	.....	.....	.....
Discount on currency receipts sold	312,067.75	425,349.27	502,814.97	458,801.62	672,073.28	670,528.25	310,307.39	13,950.22
Insurance on material	.....	.....	.....	.....	.....	.....	.....	.....
Rebuilding American River bridge	.....	.....	.....	.....	.....	.....	.....	.....
Deficiency in material accounts	218,298.91	.....	58,608.40	.....	.....	.....	.....	.....
Construction	363,386.37	724,278.45	933,431.79	.....	1,118,354.59	506,050.78	1,028,121.22	403,360.79
Equipment	369,602.83	1,007,361.93	534,053.40	44,942.45	591,695.43	700,825.16	199,461.74	262,442.44
Real estate	14,869.18	660,497.53	33,736.02	14,984.40	22,125.61	96,167.58	187,578.00	93,824.23
Shops	127,487.52	142,819.45	41,651.19	33,217.27	39,383.68	48,584.75	20,555.46	20,399.73
Machinery in shops	46,523.41	89,667.87	49,523.80	18,481.54	67,366.51	53,980.62	9,119.09	24,665.84
Furniture, safes, etc	14,423.74	21,301.58	15,658.55	20,591.32	11,070.92	11,787.11	11,326.86	7,372.57
Total expenditures	5,937,889.96	8,645,376.22	7,822,638.21	6,468,144.55	9,937,465.20	10,970,598.65	12,761,638.76	12,005,535.19
Net earnings of whole line	$2,924,164.50	$3,318,264.35	$5,044,962.26	$7,258,415.97	$5,727,616.73	$6,023,617.65	$3,709,505.35	$5,525,323.36
Average length of same during time ... miles	1,054.8358	1,176.4116	1,254.4842	1,265.9666	1,349.2758	1,423.94	1,905.9583	2,118.7408
Aided line ... do	860.66	860.66	860.66	860.66	860.66	860.66	860.66	860.66
Per cent of aided line to whole line ... do	81.5919	73.1598	68.6067	67.9844	63.7868	60.4422	45.1563	40.6213
Net earnings aided line, pro rata	$2,385,881.37	$2,427,635.56	$3,461,182.12	$4,934,590.54	$3,653,463.42	$3,640,807.02	$1,675,075.36	$2,244,458.17

EXHIBIT NO. 2.

Earnings and expenses of the Central Pacific Railroad Company from January 1, 1879, to June 30, 1896, inclusive.

	Year ending December 31—			Year ending June 30—	
	1879.	1880.	1881.	1882.a	1883.
EARNINGS.					
Passenger	$4,919,254.63	$5,819,794.23	$6,692,828.37	$7,151,283.71	$7,789,892.29
Freight	10,934,573.39	13,245,857.79	15,842,139.01	16,563,043.85	15,277,008.00
Mail	417,347.23	510,979.38	457,168.23	450,018.17	675,176.57
Express	208,500.79	238,939.72	318,021.22	334,480.72	349,501.62
Miscellaneous	673,487.12	692,541.76	783,944.12	861,319.66	960,333.34
Total	17,153,163.16	20,508,112.88	24,094,100.95	25,360,146.11	25,051,911.82
EXPENSES.					
Conducting transportation	2,088,288.28	2,204,109.59	2,497,522.77	2,681,968.37	2,647,676.94
Motive power	2,165,419.40	2,704,033.03	2,543,011.80	2,755,593.17	2,755,009.16
Maintenance of cars	740,124.43	668,887.88	3,455,808.06	4,067,376.10	4,036,565.06
Maintenance of way	1,855,569.25	2,319,205.65	666,916.95	860,669.24	770,420.39
General expenses, including taxes and rentals	4,276,897.74	4,917,885.09	5,383,639.83	5,676,804.86	6,697,453.64
Total	11,126,299.10	12,814,121.24	14,546,899.41	16,042,411.74	16,907,125.19

	Year ending June 30—			
	1884.	1885.	1886.	1887.
EARNINGS.				
Passenger	$7,649,715.80	$6,853,798.74	$6,444,464.69	$4,179,037.01
Freight	14,059,395.66	12,618,307.53	12,494,064.99	8,444,752.24
Mail	575,785.83	548,399.16	547,226.09	403,429.29
Express	310,630.11	308,074.10	307,537.86	192,389.15
Miscellaneous	1,043,688.41	710,885.54	796,872.12	514,459.14
Total	23,639,215.81	21,039,465.07	20,590,165.75	13,734,066.83
EXPENSES.				
Conducting transportation	2,782,789.18	2,620,760.13	2,364,982.47	1,881,053.81
Motive power	2,712,327.11	1,844,790.61	1,363,485.06	953,762.84
Maintenance of cars	3,837,468.27	3,684,464.61	3,442,408.63	2,312,750.38
Maintenance of way	734,850.48	631,873.20	713,928.38	459,744.38
General expenses, including taxes and rentals	7,083,617.06	4,437,205.11	2,454,477.01	1,847,794.28
Total	17,151,052.10	13,219,093.66	10,339,281.55	7,455,105.69

a In 1882 the company began to make yearly reports ending June 30. Consequently this column contains amounts for six months of preceding year.

Earnings and expenses of the Central Pacific Railroad Company, etc.—Continue

	Year ending June 30—				
	1888.	1889.	1890.	1891.	189
EARNINGS.					
Passenger	$4,722,289.77	$4,982,136.31	$4,636,118.62	$5,010,355.49	$5,212,
Freight	9,393,507.09	9,660,454.81	9,497,053.71	10,707,487.16	9,505,
Mail	405,025.89	451,757.56	448,554.10	546,235.83	551,
Express	194,607.48	199,038.13	188,487.16	223,791.84	193,
Miscellaneous	321,762.42	403,214.14	523,299.05	238,160.75	290,
Total	15,037,192.65	15,696,600.95	15,293,512.64	16,726,031.07	15,754,
EXPENSES.					
Maintenance of way and structures	1,468,680.52	2,079,496.91	2,245,159.17	1,913,111.82	2,022,
Maintenance of equipment	1,071,569.48	1,410,309.92	1,192,764.60	1,429,434.06	1,448,
Conducting transportation	4,920,625.83	5,400,391.78	5,335,297.70	4,956,697.70	4,915,
General expenses, including taxes and rentals	1,557,337.02	1,471,200.30	1,570,775.00	1,471,695.64	1,515,
Total	9,018,212.85	10,361,398.91	10,343,996.47	9,770,939.22	9,902,

	Year ending June 30—				
	1893.	1894.	1895.	1896.	189
EARNINGS.					
Passenger	$4,921,838.01	$4,551,389.55	$3,708,268.95	$3,991,505.58	$3,888,
Freight	8,554,724.85	7,758,650.03	7,848,614.42	7,375,541.42	7,422,
Mail	553,814.56	556,370.78	638,258.34	659,918.31	669,
Express	188,637.51	175,708.50	242,168.91	230,353.04	208,
Miscellaneous	351,590.21	489,258.25	499,836.18	498,051.45	537,
Total	14,570,605.14	13,531,377.11	12,937,146.80	12,755,369.80	12,726,
EXPENSES.					
Maintenance of way and structures	2,228,750.50	1,702,489.42	1,588,262.57	1,648,851.07	1,404,
Maintenance of equipment	1,395,333.11	1,185,555.18	1,279,367.23	1,338,307.55	1,375,
Conducting transportation	4,737,827.67	4,512,549.96	4,388,323.58	4,131,844.72	3,979,
General expenses, including taxes and rentals	1,522,463.20	1,419,706.67	1,368,581.61	1,464,956.36	1,472,
Total	9,884,374.48	8,820,301.23	8,624,534.99	8,583,959.70	8,231,

EXHIBIT NO. 3 *a*.

Earnings and expenses, aided portion, Central Pacific Railroad, from 1879 to 1889, inclusive.

	Year ending Dec. 31—					
	1879.*a*	1880.*a*	1881.	1882.	1883.	1884.
EARNINGS.						
United States:						
Passenger	.....	.....	$89,007.18	$35,988.01	$35,117.36	$98,604.84
Freight	.....	.....	56,171.70	59,929.16	47,840.55	75,334.49
Mail	.....	.....	296,489.55	307,837.09	320,283.35	304,285.87
Commercial:						
Passenger	.....	.....	2,532,515.25	2,537,811.26	2,676,215.20	2,161,746.88
Freight	.....	.....	6,543,050.21	6,007,461.22	5,162,674.74	3,971,703.66
Express	.....	.....	111,486.14	119,809.36	122,331.10	105,361.68
Miscellaneous	.....	.....	414,253.04	486,547.61	496,962.85	583,743.25
Car service	.....	.....	4,279.76	7,165.23	.....	.....
Rent of buildings	.....	.....	18,528.05	18,067.00	.....	.....
Wells, Fargo & Co., stock subsidy proportion	.....	.....	214,772.83	.....	.....	.....
Total earnings	$10,058,332.35	$9,953,246.78	10,271,563.71	9,580,615.94	8,861,425.15	7,300,780.67
EXPENSES.						
Maintenance of way	.....	.....	1,189,430.83	1,170,188.80	1,138,725.73	956,015.47
Maintenance of way and structures	.....	.....	.....	.....	.....	.....
Maintenance of equipment	.....	.....	.....	.....	.....	.....
Maintenance of cars	.....	.....	279,721.21	313,715.98	237,879.26	263,495.98
Conducting transportation	.....	.....	715,076.19	728,722.49	729,086.78	688,732.16
General expenses and taxes	.....	.....	.782,119.88	917,050.63	.....	1,181,645.52
General expenses	.....	.....	.....	.....	527,002.12	.....
Taxes, legal expenses, etc	.....	.....	.....	.....	513,181.34	.....
Motive power	.....	.....	1,527,779.63	1,605,367.09	1,392,517.16	1,326,735.09
New construction	.....	.....	.....	.....	.....	.....
New equipment	.....	.....	.....	.....	.....	.....
Total operating expenses	.....	.....	4,444,127.74	4,734,994.99	4,538,392.39	4,416,624.22
Interest on first mortgage bonds	.....	.....	1,671,695.00	1,673,940.00	1,676,910.00	1,671,630.00
Total	6,460,076.67	5,804,345.66	6,115,822.74	6,408,934.99	6,215,302.39	6,088,254.22
New construction and equipment included with operating expenses and to be deducted from same in ascertaining net earnings. (See 138 U. S., p. 84)	143,352.66	209,216.70	150,856.28	273,164.50	299,396.16	351,371.80

a Not itemized for the aided portion; totals obtained by prorating the earnings of whole ine, as in years from 1871 to 1878, inclusive. (See Exhibit No. 1.)

Earnings and expenses, aided portion, Central Pacific Railroad, etc.—Continued.

	Year ending Dec. 31—				
	1885.	1886.	1887.	1888.	1889.
EARNINGS.					
United States:					
Passenger	$12,990.37	$11,988.06	$12,512.10	$17,302.08	$13,455.22
Freight	31,068.93	26,363.93	16,019.07	22,042.89	32,006.62
Mail	298,882.09	306,342.46	313,802.72	350,684.98	347,324.92
Commercial:					
Passenger	1,729,290.67	1,944,056.16	2,062,103.84	2,475,454.58	2,385,927.45
Freight	3,550,142.86	3,833,514.78	5,257,642.45	5,330,983.69	5,831,915.61
Sleeping cars	.....	160,669.19	122,821.64	80,056.31	46,240.39
Excess baggage	.....	24,385.81		31,936.01	33,935.20
Express	106,404.18	104,827.60	112,491.49	106,943.82	101,588.85
Company freight	.....	.....	.....	592,958.15	.....
Telegraph	.....	30,000.00	.....	30,120.00	30,120.00
Miscellaneous	220,435.63	81,286.46	126,370.61	139,814.06	149,100.19
Total	5,949,214.73	6,523,434.45	8,023,763.92	9,178,266.57	8,971,614.45
EXPENSES.					
Maintenance of way	407,626.65	448,633.60	666,472.69	.....	.....
Maintenance of way and structures	.....	.....	.....	947,966.97	1,117,720.29
Maintenance of equipment	.....	.....	.....	817,245.00	841,587.39
Maintenance of cars	208,074.51	234,450.88	278,120.48	.....	.....
Conducting transportation	523,049.41	528,049.66	638,911.20	3,078,593.88	2,962,265.67
General expenses and taxes	955,908.41	893,248.87	945,344.38	774,236.24	908,613.50
General expenses	.....	.....	.....	.....	.....
Taxes, legal expenses, etc	.....	.....	a 165,022.48	.....	.....
Motive power	1,067,422.78	1,251,697.29	1,788,282.91	.....	.....
New construction	35,563.25	22,829.24	190,968.10	357,499.09	161,124.99
New equipment	211,840.75	1,802.63	24,912.79	b 12,805.69	.....
Total operating expenses	3,414,485.76	3,380,712.17	4,608,035.03	5,962,735.49	5,991,311.84
Interest on first-mortgage bonds	1,671,180.00	1,671,180.00	1,671,180.00	1,671,180.00	1,671,180.00
Total	5,085,665.76	5,051,892.17	6,279,215.03	7,633,915.49	7,662,491.84
New construction and equipment included with operating expenses and to be deducted from same in ascertaining net earnings. (See 138 U. S., p. 84)	247,404.00	24,631.87	125,880.89	344,693.40	161,124.99

a Taxes for 1885 and 1886, heretofore in litigation, paid during the year.
b This amount is a credit for equipment sold.

EXHIBIT No. 3 *b*.

Earnings and expenses, aided portion, Central Pacific Railroad, from 1890 to 1896, inclusive.

	Year ending Dec. 31—			
	1890.	1891.	1892.	1893.
EARNINGS.				
United States:				
Passenger	$49,407.98	$28,019.39	$14,232.27	$13,330.74
Freight	37,579.66	.....	45,918.43	54,565.88
Mail	399,889.75	39,710.93	439,452.86	442,331.42
Express	.....	439,840.19	.....	.....
Commercial:				
Passenger	2,335,857.32	2,562,359.99	2,441,304.27	2,516,002.64
Freight	5,736,391.01	6,345,628.43	5,998,941.50	5,672,593.95
Express	112,289.42	104,418.32	100,407.45	87,813.53
Miscellaneous	204,365.13	126,319.59	83,745.46	71,989.23
Telegraph	.....	.....	.....	.....
Excess baggage	.....	.....	.....	38,632.37
Rental of buildings, etc	.....	.....	.....	.....
Sleeping cars	.....	.....	.....	54,609.48
Total earnings	8,875,789.27	9,646,296.84	9,124,002.24	8,951,869.24
EXPENSES.				
Maintenance of way and structures	1,558,155.99	1,027,083.98	1,226,021.37	1,145,926.51
Maintenance of equipment	905,979.98	952,570.39	900,359.45	844,720.15
Conducting transportation	2,860,051.71	3,060,040.24	2,892,402.86	2,943,099.12
General expenses and taxes	867,560.51	816,507.00	885,143.22	.....
General expenses	.....	.....	.....	602,783.31
Taxes	.....	.....	.....	253,226.29
Total operating expenses	6,191,748.19	5,856,201.61	5,903,926.90	5,789,746.38
Interest on first-mortgage bonds	1,671,180.00	1,671,180.00	1,671,180.00	1,671,180.00
Total	7,862,928.19	7,527,381.61	7,575,106.90	7,460,926.38

	Year ending Dec. 31—		
	1894.	1895.	1896.
EARNINGS.			
United States:			
Passenger	$27,768.70	$10,066.33	$19,403.16
Freight	51,039.19	45,533.18	31,121.54
Mail	468,526.26	534,678.33	538,275.81
Express	.....	.....	.....
Commercial:			
Passenger	2,198,968.54	2,164,528.89	1,968,097.82
Freight	5,428,316.85	5,303,352.74	4,849,620.65
Express	.....	.....	135,955.23
Miscellaneous	81,694.38	138,044.90	.....
Telegraph	.....	.....	27,155.37
Excess baggage	.....	.....	37,455.98
Rental of buildings, etc	.....	.....	68,015.76
Sleeping cars	.....	.....	23,243.19
Total earnings	8,256,313.92	8,196,204.37	7,789,191.94
EXPENSES.			
Maintenance of way and structures	1,112,035.39	995,498.45	946,855.41
Maintenance of equipment	879,507.64	914,893.95	835,[illegible]65.17
Conducting transportation	2,712,558.07	2,598,956.71	2,351,[illegible]52.72
General expenses and taxes	833,697.80	868,416.78	.....
General expenses	.....	.....	571,18[illegible].35
Taxes	.....	.....	344,426.87
Total operating expenses	5,537,798.90	5,377,755.49	5,049,410.52
Interest on first-mortgage bonds	1,671,180.00	1,656,205.00	1,624,315.00
Total	7,208,978.90	7,033,960.49	6,673,725.52

EXHIBIT NO. 4.

Statement of amounts expended by the Central Pacific Railroad Company for subsidi the Pacific Mail Steamship Company, by years.

Year.	Amoun .	Year.	Amou
1875	a $73,126.27	1884	$378,9
1876	a 105,197.26	1885	234,7
1877	96,860.01	1886	37,7
1878	83,011.58	1887	.....
1879	120,981.02	1888	14,8
1880	251,938.86	1889	37,7
1881	289,505.73	1890	56,8
1882	273,696.91	1891	47,9
1883	330,389.12	1892	59,3

a Approximate.

EXHIBIT NO. 5.

Statement of amounts paid into the sinking fund in the United States Treasury by the tral Pacific Railroad Company from date of the passage of the act establishing this f May 7, 1878, to December 31, 1896, by years.

1878 (to December 31)	$38,58
1879	342,67
1880	526,51
1881	367,74
1882	655,98
1883	514,56
1884	228,31
1885	243,54
1886	168,46
1887	182,21
1888	201,03
1889	182,07
1890	217,31
1891	90,54
1892	416,01
1893	258,72
1894	257,93
1895	303,51
1896	321,84
Total	5,518,61

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55TH CONGRESS, 2d Session. } SENATE. { DOCUMENT No. 46.

COST OF THE ELEVENTH CENSUS.

JANUARY 5, 1898.—Ordered to be printed.

Mr. GALLINGER presented the following

LETTER FROM ROBERT P. PORTER, RELATIVE TO THE COST OF THE ELEVENTH CENSUS.

MY DEAR MR. GALLINGER: In reply to your letter of December 20, in relation to the cost of the Eleventh Census, I beg leave to state that when I wrote the article for the Philadelphia Inquirer, to which you refer, I had no idea that the Hon. Carroll D. Wright was responsible for the greatly exaggerated figures going the rounds as to the amount of money which would have been saved had the employees of the Eleventh Census been placed in the classified service. Now that Mr. Wright has placed himself on record as the author of these statements, and has endeavored to sustain his position by a resort to "statistics," I deem it my duty not to allow some of the inferences drawn in his letter to Senator Lodge to pass unchallenged. Mr. Wright can not complain if I submit his "statistics" to the test which he has himself laid down for statistical work. In an article entitled "The value of statistics," published in the Popular Science Monthly for August, 1891, Hon. Carroll D. Wright said:

> The use of statistics is sometimes empirical, deceptive and illusive, and even dishonest, and because of these things the method is often condemned. * * * The value of any statistical presentation must depend upon the basis upon which it is made, the integrity of the various elements of it, and the analysis which accompanies it. No one has any right to quote statistical tables without using and understanding the analysis of them. * * * It is perfectly true that one so disposed can, by dropping an essential element of a table, show the exact reverse of the truth, or by a combination of truthful elements prove an untruth.

Taking Mr. Wright's standards, as thus outlined, for the proper use of statistics, he has violated all three of his own canons in the statistical data contained in his Lodge letter. The basis is false, because the work he compares—that is, the work of the Department of Labor—with that of the census is not comparable in a statistical sense. The integrity of the various elements has not been preserved, and the analysis which accompanies the comparison is not complete. This may be shown from at least six different points of view.

I. I have a list of the publications of the Department of Labor to date, as made by the Department itself, and it foots up 15,939 pages. Of this number some 4,800 pages (30 per cent) are not statistical work at all, but are mere compilations, digest, reprint, and discussion, in the preparation of which the scissors and paste pot are the most important agencies. Witness the 1,383 pages of the Second Special Report (which are a mere reprint of State labor laws); "Industrial Education;"

"Analysis and Index of State Labor Reports;" "Industrial Depressions;" "Convict Labor" (which digests the convict-labor legislation of all the States), and several other reports. There is none of this "padding" in the Eleventh Census, which contains very little text.

Just 30 per cent of the printed work of the Labor Department, being of a nonstatistical character and involving in its preparation only the work of a few writers, must be excluded from any such calculation in order to "preserve the integrity of the elements" in it. This Mr. Wright has forgotten to do.

II. A large part of the remaining pages is the tabular transcription of records, and is not statistical work, in the technical sense, but mere clerical copying; as in the report on "Marriage and Divorce," where hundreds of pages are reproductions of court records, and in the "Convict Labor" report, where the records of prisons and penitentiaries are transcribed in much the same fashion. Mr. Wright throws out of his comparison the whole Census Compendium, nearly 3,000 pages, on the ground that its contents are transcripts from the material of the final reports. If he had applied the same rule to his own work, he must have thrown out nearly as many pages of tabular matter. He also omits four monographs, containing 1,204 pages, or nearly 12,000 thousand ems, which would raise the total to 220,526 thousand ems, and reduce the cost as he first states it to $45.42 per thousand ems, and as he states it exclusive of "field work," etc., to $25.72. It is just as well to be accurate.

III. A large part of what remains of the Department of Labor reports after these eliminations is not statistical work in any sense, does not involve the employment of large bodies of clerks, but of a few trained experts, and is therefore not comparable with census work. For example, the reports on "The Gothenburg system of liquor traffic," on "Compulsory insurance in Germany," "The housing of the working people," "The phosphate industry," etc. There is no more similarity between the making of such reports and the making of a census, than there is between the making of a Century Dictionary and the compiling of Government tables of exports and imports.

IV. There is in none of the Labor Department work any similarity of conditions which makes it properly comparable with census work. The difference between the two classes of work is so wide that any such comparison is statistically impossible. The census must cover the whole ground in every line of inquiry it attempts. It must obtain every unit, irrespective of the cost of obtaining it, and it must reduce everything to tabular form and proper relationship, irrespective of the time and labor involved. The Labor Department, on the other hand, makes certain special and restricted investigations, confining its data to such facts as are the most easily and accurately obtained and tabulated. To illustrate: Two large volumes of Labor Department reports relate to the "Cost of production of textiles," and it appears that the domestic data used were obtained from 192 establishments. And these were picked mills, in which the books and accounts are so kept that the necessary data were quickly and easily obtained. In making the census reports on textiles data had to be obtained from over 4,000 establishments, large and small, scattered over the entire country, and the cost of collecting the data from the smaller mills was invariably the greatest, while the expense and difficulty of securing corrections after the work of tabulation was entered upon were enormous—obstacles with which the Labor Department did not have to

contend. The whole printed results of this census investigation are compacted into a small volume of 230 pages. Mr. Wright's investigation fills a volume of 700 pages. To convey the impression that there can be any legitimate comparison between the cost per printed page of collecting, preparing, and tabulating statistical matter under conditions so dissimilar is to do violence to all statistical law.

V. Mr. Wright says that all the investigations of his Bureau "are as difficult as the most difficult investigations conducted by the Census Bureau." This statement is a good illustration of his remark that it is often possible by "a combination of truthful elements to prove an untruth." An investigator who can pick the units with which he deals, selecting those most easily obtained, ignoring those which are difficult to secure or are defective or deficient in character—who is, in a word, the judge of what he shall take and what he shall leave—is doing a vastly different and vastly less difficult work than the census director, who must cover the whole ground, who must leave nothing, and who, after his materials are gathered, must correct all defects, reconcile all elements, verify all results, and present a complete statistical whole. One deals with specialties, the other with masses. There are no bases of comparison in two such cases upon which to determine relative cost of production by any unit that can be devised; and, of all conceivable units, in comparing statistical work of any kind, the page of printed matter is the most misleading, the most unscientific, the most impossible. For example, the final official count of the population of the United States, covering one page, or, as Mr. Wright puts it, 9¾ thousand ems of printed matter, cost over $3,000,000, or more than twice as much as the Department of Labor has expended in ten years on its 15,939 pages of matter. If the census work had all been concentrated on that one page and the Superintendent had ended his labors when that page was placed on the desk of the Secretary of the Interior, Mr. Wright's comparison would have clearly proved too much. This one illustration should serve to show that there is no statistical comparison possible between the class of work done in these two Bureaus, either from the point of view of bulk or of character. The making of such a comparison, to use Mr. Wright's language, is "empirical, deceptive, and illusive" to a degree that I have never seen equaled in any statistical data emanating from a recognized statistician.

These comparisons have been used in certain quarters as the highest examples of statistical wisdom and as a mathematical demonstration of the advantages of the civil service. Senator Lodge himself placed sufficient reliance upon them to declare that they indicated beyond doubt that a large sum of money had been wasted. For this reason, perhaps, you will pardon me for illustrating in another way the absurdity of comparing complicated statistical matter, solid tabular matter involving extensive numbers, with compilations of various subjects, such as "labor laws," etc. The Department of Labor has now 96 people (field force and all); two years ago it had about 70, and a smaller number in 1889—say an average annually of 75. Now, could the Department of Labor, with an average of 75 people, working from April 1, 1889, to June 30, 1890, have produced the two volumes of the population report alone? Yet these two volumes contain only 2,180 pages, or 21,243 thousand ems, as against 79,596 thousand ems (of a kind) which they did produce in that period, and the population report contained less than one-tenth of the census matter. Could the Department of Labor, with an average of 75 people, working from April 1, 1889, to

May 2, 1895 (date of transmittal of last volume), have produced the two volumes of the Farms, Homes, and Mortgage work, including the field inquiry? This contains 1,611 pages, or 15,697 thousand ems.

If those branches, requiring an enormous force both in collecting and tabulating, and dealing with tabular statistics exclusively, such as population, farms, homes, and mortgages, manufactures and agriculture, are excluded, the remainder will come considerably inside of the cost of producing results in the Department of Labor, as will be seen from the following:

Some of the reports completed before Superintendent Porter resigned.—Total cost, including collection of data.

Report.	Pages.	1,000 ems.	Cost.	Cost per 1,000 ems.	
				Census Office.	Labor Department.
Mineral industries	874	8,506	$196,236.16	$23.07	$17.22
Churches	839	8,175	47,179.78	5.77	.....
Crime, pauperism, and benevolence	1,468	14,304	63,573.11	4.45	.....
Insurance	1,627	15,853	47,718.84	3.01	.....

Vital statistics, including monographs.—Cost from figures of division up to date, including (1) cost of collecting data, and (2) excluding same, 5,389 pages.

	Pages.	1,000 ems.	Cost.	Cost per 1,000 ems.	
				Census Office.	Labor Department.
7 volumes (1)	5,389	52,510	$224,499.75	$4.28	$17.22
7 volumes (2)	5,389	52,510	200,857.16	3.83	11.01

Mr. W. A. King, chief of this division, and now in charge of the Census Division, kept the only account from which the exact cost of each step in the work could be ascertained. Mr. King is a capable, painstaking statistician, but I doubt if he would claim these figures show wasteful work in the Labor Department. I do not think Dr. F. H. Wines, who had charge of the statistics of crime and pauperism, will argue that there was an enormous waste in Mr. Wright's office because it cost them $17.22 to compile their matter, while he produced his for $4.45. I have heard no unkind criticisms on Mr. Wright from Dr. Henry K. Carroll, who, in the volume on churches, compiled an admirable and useful statistical report—the first of the kind ever published by any government in the world—because the cost per thousand ems was $11.47 higher in the Department of Labor than in the division of churches. The reason is apparent. There is nothing in such comparisons.

VI. If the material collected by the Census Office had been tabulated with the same detail, elaboration, iteration, and reiteration of minutiæ that mark some of these Labor Department reports—those on cost of production particularly—the census reports, instead of stopping at 25, would have easily exceeded 100 volumes, and without any corresponding increase in the cost of clerical work.

It is singular that Mr. Wright, with all his experience in handling figures, should not have realized that he furnished, in his Lodge letter, the club which knocks his whole house of cards into nothing. He extends his comparison by printed pages to the Tenth and Eleventh censuses; and he figures out that if the cost of production,

per printed page, had been the same for the Eleventh as for the Tenth Census, the total cost of the former would have been only $648,000 more than the cost of the Tenth. No calculation could better illustrate the fallacy and the foolishness of the printed page as a basis to compare the cost of production in statistical work. The field work of the Tenth Census, exclusive of the special agents, cost $2,239,000, while the same field work for the Eleventh Census, by reason of the increase in population, cost over $3,000,000—an increased cost, before the work of tabulation began, greater than Mr. Wright figures that the whole increase should have been, on the basis of the printed page as a unit of production. In making such a statement, Mr. Wright has admirably demonstrated the absurdity of his entire computation.

But I have not even yet sounded the full grotesqueness of Mr. Wright's statistical extravaganza. Let us follow his methods of comparison a step further, and duplicate them as between the Ninth and the Eleventh censuses. The census of 1870 was printed in three volumes (excluding the Compendium, which Mr. Wright excludes in considering the Eleventh), which contained 2,326 pages, which, at 9,744 ems to the page, contained 22,664 thousand ems of type, as compared with 188,040 thousand ems in the Tenth and 208,794 thousand ems in the Eleventh. The Ninth Census cost $3,336,511, which was a cost of $147.30 per 1,000 ems, as against a cost of $31.18 in the Tenth, $55.30 in the Eleventh, accepting Mr. Wright's figures. In other words, by Mr. Wright's "concrete and quantitative" basis of comparison, the Ninth Census cost nearly three times as much as the Eleventh. By this species of ciphering, the Eleventh Census was a marvel of economy, while the Ninth was a genuine saturnalia of extravagance and recklessness. This conclusion is the logical result of any system of statistical comparison which makes quantity the standard in judging of statistical work. Mr. Wright is the only statistician who ever did it, and it does not seem likely that he will ever do it again. There is no conceivable monstrosity in figures which can not be demonstrated by such statistical methods.

The comparison which Mr. Wright makes between the cost of the Tenth and the Eleventh censuses, apparently for the purpose of showing that had the administration of the Eleventh Census been as efficient as that of the Tenth a large amount of money might have been saved, particularly concerns me, and I may therefore be excused for answering these charges fully. In his letter to Senator Lodge Mr. Wright says:

> Had the cost of production of results at the Eleventh Census been the same as at the Tenth the total cost of the Eleventh would have been $6,510,196.90, instead of $11,545,713.97, a difference of $5,035,517.07.

Now, whatever Mr. Wright may have meant to imply in the above statement, I have before me half a score of editorials from newspapers given over to what is called "Reform in the Civil Service" that inform their readers on the strength of these figures that what Mr. Wright calls the "difference" would have been saved had it not been for the "spoils system." Now, as a matter of fact, the Tenth Census was taken absolutely under the "spoils system," for General Walker appointed on the recommendation of Congressmen, without any examination whatever. In the Eleventh Census, appointments, as I have elsewhere shown, were made on clerkship examinations by the Civil Service Commission, and also after examination by a thoroughly competent committee appointed by the Secretary of the Interior, consisting of men of the highest character, two of whom are now occupying honorable positions in the Government service, and all three of whom are thorough

believers in the merit system. The difference in the cost of the Tenth and Eleventh Censuses is wholly accounted for in the difference in the quality of the work, as I shall now show.

In his comparison, it will be noted that Mr. Wright includes all printing, engraving, and binding, which are not under control of the Superintendent of Census, and he also includes the cost of the expensive statistical inquiries of the Eleventh Census, which were not called for by the law under which the Tenth Census was taken, and which involved a separate cost of not less than $1,500,000, and probably $2,000,000. Furthermore, he makes no allowance whatever for the fact that the "10 thousand ems" of matter comprising the total count of the population of the Eleventh Census cost at least $1,000,000 more to collect and prepare than the "10 thousand ems" of matter comprising the total count of the population of the Tenth Census, attributable to the increase of population. It is easy to conceive a condition under such a test wherein the cost "per em of matter" might be ten times greater, and yet the work be performed far more economically. Whole volumes of the Tenth Census are given over to letterpress on forestry, mining laws, illustrations relating to power in machinery, tables of prices, wages, necessaries of life, on the production of cotton, tobacco, and a great variety of other matters, which swelled these pages, but contributed little to statistical knowledge. A complete refutation of this third and last "basic comparison" may be found by a glance at Volume XIV, Mining Laws; Volume IX, Forest Trees; Volumes XVI and XVII, Water Power; Volume XXII, Power and Machinery; Volume XX, Statistics of Wages; Necessaries of Life; Volumes V and VII, Cotton Production; Volume VIII, Petroleum, Coke, and Building Stone; Volumes XVIII and XIX, Social Statistics of Cities. Here we have accounted for over half the "ems of matter" of the Tenth Census, most of which was so irrelevant to census work that it was omitted altogether by the Eleventh Census, and the work made more statistical and hence more costly.

Nor does the unfairness of such a comparison end here, because multitudinous tabulations were made by the Eleventh Census that were not touched in the Tenth. Take, for example, the information regarding families and dwellings. In the Tenth Census they simply made a count of the total number of families and the total number of dwellings, and by dividing the total population of a given area by the number of dwellings they obtained the average number of persons per dwelling. In the same way they obtained the average number of persons per family. The Eleventh Census gave not only the total number of families and the total number of dwellings, but an absolute count of the number of families and of dwellings of each size. In other words, while they knew in 1880 that the average size of a family was about five, no one could obtain information as to how many families of ten or fifteen persons there were. All these data were obtained in 1890. Certainly this additional detail had some effect upon the "cost of production," although in the publication it required only a few more "nonpareil ems."

On the population schedule there were fourteen inquiries common to the schedules of 1880 and 1890, while in 1890 there were ten additional points of information, as follows:

(1) Whether a soldier, sailor, or marine during the civil war (United States or Confederate), or widow of such person.

(2) Mother of how many children, and number of these children living (for all married, widowed, and divorced women).

(3) Number of years in the United States (for all foreign-born adult males).

(4) Whether naturalized (for all foreign-born adult males).

(5) Whether naturalization papers have been taken out (for all foreign-born adult males).

(6) Ability to speak English (for all persons ten years old and upward).

(7) Whether home lived in was hired, or owned by the head or by a member of the family.

(8) If owned by head or member of family, whether the home was free from mortgage incumbrance.

(9) If the head of the family was a farmer, whether the farm which he cultivated was hired, or owned by him or by a member of his family.

(10) If owned by head or member of family, whether the farm was free from mortgage incumbrance.

In 1890, also, a further subdivision was required by the law concerning negroes of mixed blood as to the number of mulattoes, quadroons, and octoroons.

It can not be argued that the collection of this information on the population schedule did not increase the expense of enumeration, when the enumerators were paid per individual enumerated, for these special questions increased the per capita cost, because extra compensation was paid for all supplemental schedules. The compilation of this additional information added to the cost of production of the Eleventh Census absolutely the full amount of its cost, as this information was not included at all in the census of 1880. Therefore, in any fair comparison, the first thing necessary is to exclude from the cost of the Eleventh Census the cost of compiling all these additional points of information.

In comparing the cost of production of the Tenth and Eleventh Censuses on the points of information that were common to the two, it is absolutely necessary that a comparison be also made as to the detail with which this information was compiled. The vast superiority of the Eleventh Census in this respect is further illustrated by the fundamental distinction carried throughout all its tables of the native born of native parents and the native born of foreign parents. It is also illustrated by the fact that conjugal condition was tabulated in 1890, in combination with the five main divisions of the population, and subdivided according to sex and ten age periods, fourteen birthplaces of mother, and a subdivision according to sex and occupations. While all this was done in the Eleventh Census, the information regarding conjugal condition, though enumerated, was never tabulated in even its simplest form in the Tenth Census, and the lack of this information was keenly felt in connection with the statistics of divorce collected by the Department of Labor. "Months unemployed during the census year" was also enumerated in both censuses, but, while tabulated in detail in connection with occupations in the Eleventh Census, this information was not touched at all in the Tenth Census.

In the matter of school attendance, in 1880 they only tallied the number of pupils attending school during the census year, according to sex, and whether white or colored, while in 1890, in the Eleventh Census, the further distinction of those attending school according to months of school attendance was made.

In 1880 the foreign parentage was tabulated according to seven foreign countries; in 1890 this information was tabulated according to eighteen foreign countries.

No portion of the tabulation of the population is the cause of more trouble and expense than that relating to occupations. In 1880 each specified occupation was tallied according to sex and three age periods, while in 1890 ten age periods were taken into account.

In 1880 nationality was tabulated in connection with occupation, according to seven heads; in 1890 nationality was tabulated under fourteen principal countries of birth.

In 1880 information was obtained upon the schedules as to color and general nativity, number of months unemployed, illiteracy and conjugal condition, but this information was not tabulated in connection with occupations; but in 1890 this information was tabulated in connection with occupations, and in addition the classification was made for each occupation according to fourteen birthplaces of mothers. For the foreign males of voting age a classification according to citizenship was made, the alien element under each occupation being classified according to length of residence in the United States, the number of persons under each occupation being classified according to ability to speak English, according to the ownership of farms and homes, and according to whether veterans of the war, Confederate or Union, or widows of such.

In 1890, and included in the expenses of the regular population work, there was an elaborate tabulation made regarding the persons owning farms and homes, according to sex, age, conjugal condition, birthplace, citizenship, and length of residence in the United States, distinguished in each case according to color and general nativity. This, of course, was not done in 1880, as there was no information regarding farms and homes.

No one should be able to judge of the cost of such additional compilations better than Mr. Wright, and no one should be better informed as to the fact that all this was done in 1890 and was not done in 1880. For this reason I regret that he should have made such a comparison, and neglected, in making it, that analysis of the difference between the two, upon which, according to his own statement, "the value of any statistical statement must depend."

It will be seen from the above that the entire difference in the cost of the Tenth and Eleventh censuses may be accounted for by the additional cost of the field work, owing to increase of population, by the increased pay for both supervisors and enumerators, by the prompt and extensive publication of bulletins, by several large and costly investigations called for by Congress, not undertaken by the Tenth Census (which, with additional cost of field work for the veterans of the war and statistics of manufactures, must have added nearly $2,000,000 to the cost), and by the fact that in the Eleventh Census the work was far more statistical, and that many data not tabulated in the Tenth Census were fully worked up in the Eleventh Census.

On the basis of cost of the work actually done at the Tenth Census, the Eleventh Census proper should have cost about $8,000,000. Not less than $2,000,000 was added to the cost of the latter by inquiries not required by law in the Tenth Census. If anyone will take the trouble to turn over the pages of the volumes of the statistical census of 1890 and the letterpress volumes of the Tenth Census they will soon discover how the remaining $1,500,000 was used, in the better quality of the work done. Judged by results, the Eleventh Census was no more costly than the Tenth Census, and this fact can be absolutely demonstrated by a careful comparison of the two compilations.

But even if the Tenth Census had been the most satisfactory for the money, the fact would have no bearing whatever on the issue involved, which seems to be whether the census clerks shall be put under the civil service or the appointment of the force left to the discretion of the director. Neither the Tenth nor the Eleventh Census was under the civil service. This fact does not disturb Mr. Wright, who thus disposes of it:

Relative to this comparison, the point may be raised that the Census Office was not under civil-service rules in 1880 any more than in 1890. This is true; but in 1880

no office of the Government was under civil-service rules, and there was, therefore, a diffusion or distribution of attempts to secure positions, while at the Eleventh Census the Bureau was probably the only one in the Executive Departments in Washington not under civil service, so that the concentration of applications was upon the Census Office.

The examination which the Superintendent instituted and firmly adhered to in the Eleventh Census, but which General Walker did not exact in 1880, counteracted any extra pressure, and I am satisfied that the force of the Eleventh Census compared favorably in point of efficiency and ability with the force of the Tenth Census, or even with Mr. Wright's office as at present constituted. No one has a keener appreciation of the shortcomings of the Eleventh Census than the writer, and I have repeatedly shown how $2,000,000 can be saved in 1900 and at later decades by prompt action by Congress, by the establishment of a permanent Census Office, and by confining the investigation to legitimate census work. The inference, however, that several millions, and the actual assumption that $2,000,000 could have been saved if the clerical force of the Census Office had been under civil service, is nothing but exaggerated guesswork. The statistical comparisons by which Mr. Wright seeks to sustain it are as absurd as it would be to estimate the value of Banvard's Panorama of the Mississippi River and one of Meissonier's gems by the relative amount of canvas used.

Of the total amount of $10,620,713.97 expended for the census proper, $1,599,452.36 was paid out to special agents; the supervisors received $260,553.10; the enumerators, $2,485,825.07; miscellaneous, $1,097,410.75; furniture and fittings, $56,805.55; leaving the total amount paid out for salaries $5,120,667.14. This latter is the only item that could have been affected by civil-service examinations. Of this amount, the nonskilled labor received $508,000. By that I mean persons engaged in handling the blanks and schedules, which number into the hundreds of millions—the shipping department, card stamping and numbering, and the laborers and messengers about the several buildings. Deducting this sum from the total amount paid in salaries would leave $4,612,667.14. Under the law employees of the Tenth Census who had good records were exempt from examinations, as they should be, and those who had passed the clerkship examination of the Civil Service Commission were also exempted by the Secretary of the Interior. At one period of the work 25 per cent of the clerks came under this class, though when the temporary appointments were made the percentage was perhaps less. At least $1,000,000 of the $4,612,667.14 was paid to this class of employees. We have, therefore, $3,612,667.14 left, and of this remainder Mr. Wright claims that all the way from $2,000,000 to $5,000,000 could have been saved had the force been examined by the Civil Service Commission instead of by the efficient gentlemen appointed by the Secretary of the Interior to perform this function.

Toward the latter days of the work, when reenforcements for three months and even sixty days were wanted, persons called "skilled laborers," at a salary of $50 per month, were put on and engaged in all sorts of work that required quick hands and good eyesight—punching cards, working machines, addressing envelopes, etc. The total sum paid this class of employees was $850,000, which really represents the aggregate amount paid to persons who were not employees of the Tenth Census with good records, who had not passed the civil-service examination, or who had not been thoroughly and fairly examined by a census board. As I have said before, I am perfectly willing to discuss the question on its merits, but I must confess that misrepresen-

tations so well calculated to shake the public faith in all statistical work make one doubt the sincerity of the advocates of civil-service reform.

Of far more value to the cause of reform is Mr. Wright's frank statement that under his administration of the office the new appointments forced upon him by the Secretary of the Interior resulted in a direct waste of one-third of the appropriation he expended. Here we have a "concrete quantitative statement," but not a "basic comparison," because the fact relates to Mr. Wright alone. Under the Harrison administration the Secretary of the Interior forced no appointments for clerical service on the Superintendent of Census that did not come in the regular way through the examining board, or whose services were not required. The fact that unless the clerical force of the Census Office is put in the classified service, it is possible for precisely the same thing to occur again, on a much larger scale, in 1901, when the office work is at its height, is a far stronger argument why the clerks of the Census Office should be put in the classified service, than such statistical exhibits as those furnished Senator Lodge by Mr. Wright.

The constantly shifting personnel of the Census Office, referred to by Mr. Wright, was largely due to the fact that numbers of the best clerks who had passed the civil-service examinations left the Census Office to take permanent places in other Departments, while many others, realizing the temporary character of the work, gladly accepted offers in private life when opportunities occurred. The shifting nature of the force of the Bureau was not due to the lack of civil service, but to the uncertainty of the employment. I must ask your indulgence in the length of this reply to your letter on the ground that the matter is not only of public importance, but of deep interest to me personally.

Faithfully yours,

ROBERT P. PORTER.

Hon. J. H. GALLINGER,
United States Senate, Washington, D. C.

O

55TH CONGRESS, 2d Session. } SENATE. { DOCUMENT No. 47.

SURVEY OF FOREST RESERVES.

LETTER

FROM

THE SECRETARY OF THE INTERIOR

TRANSMITTING,

IN RESPONSE TO RESOLUTION OF THE SENATE OF DECEMBER 15 1897, RELATIVE TO SURVEY OF THE PUBLIC LANDS THAT HAVI BEEN DESIGNATED AS FOREST RESERVES BY EXECUTIVE PROC LAMATION, A REPORT OF THE DIRECTOR OF THE GEOLOGICAI SURVEY.

JANUARY 5, 1898.—Laid on the table and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, December 22, 1897.

SIR: I have the honor to acknowledge the receipt of a resolution o the Senate, dated the 15th instant, as follows:

Resolved, That the Secretary of the Interior is directed to send to the Senate a ful and complete report of the operations of the Geological Survey in carrying out th provisions of that portion of the act entitled "An act making appropriations fo sundry civil expenses of the Government for the fiscal year ending June 30, 1898, an for other purposes," approved June 4, 1897, providing "for the survey of public land that have been, or may hereafter be, designated as forest reserves by Executive proc lamation under section 24 of the act of Congress approved March 3, 1891, entitle 'An act to repeal the timber-culture laws, and for other purposes,' and includin public lands adjacent thereto, which may be designated for survey by the Secretar of the Interior."

In response thereto I transmit herewith a letter from the Director o the Geological Survey of even date, transmitting a report covering th information called for in the resolution.

Very respectfully, C. N. BLISS,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., December 22, 1897.

SIR: I have the honor to acknowledge the receipt by your reference under date of December 16, of a resolution of the United States Senat adopted December 15, calling for a report of the operations of th

Geological Survey in carrying out the provisions of the statute providing for the survey of the forest reserves, and the same is herewith returned accompanied by the desired report.

I am, with respect, your obedient servant,

CHAS. D. WALCOTT, *Director.*

The SECRETARY OF THE INTERIOR.

REPORT ON THE SURVEY OF FOREST RESERVES (DECEMBER, 1897).

Senate resolution adopted December 15, 1897, calling upon the Secretary of the Interior for a report of the survey of the forest reserves, by the Geological Survey, is as follows:

Resolved, That the Secretary of the Interior is directed to send to the Senate a full and complete report of the operations of the Geological Survey in carrying out the provisions of that portion of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes," approved June 4, 1897, providing "for the survey of the public lands that have been or may hereafter be designated as forest reserves by Executive proclamation, under section 24 of the act of Congress approved March 3, 1891, entitled 'An act to repeal the timber-culture laws, and for other purposes,' and including public lands adjacent thereto which may be designated for survey by the Secretary of the Interior."

The act making provision for the survey of the forest reserves, approved June 4, 1897, is in the following words, to wit:

For the survey of the public lands that have been or may hereafter be designated as forest reserves by Executive proclamation, under section twenty-four of the act of Congress approved March third, eighteen hundred and ninety-one, entitled "An act to repeal timber-culture laws, and for other purposes," and including public lands adjacent thereto, which may be designated for survey by the Secretary of the Interior, one hundred and fifty thousand dollars, to be immediately available: *Provided*, That, to remove any doubt which may exist pertaining to the authority of the President thereunto, the President of the United States is hereby authorized and empowered to revoke, modify, or suspend any and all such Executive orders and proclamations, or any part thereof, from time to time as he shall deem best for the public interests: *Provided*, That the Executive orders and proclamations dated February twenty-second, eighteen hundred and ninety-seven, setting apart and reserving certain lands in the States of Wyoming, Utah, Montana, Washington, Idaho, and South Dakota as forest reservations, be, and they are hereby, suspended, and the lands embraced therein restored to the public domain the same as though said orders and proclamations had not been issued: *Provided further*, That lands embraced in such reservations not otherwise disposed of before March first, eighteen hundred and ninety-eight, shall again become subject to the operations of said orders and proclamations as now existing or hereafter modified by the President.

The surveys herein provided for shall be made under the supervision of the Director of the Geological Survey, by such person or persons as may be employed by or under him for that purpose, and shall be executed under instructions issued by the Secretary of the Interior, and if subdivision surveys shall be found to be necessary, they shall be executed under the rectangular system, as now provided by law. The plats and field notes prepared shall be approved and certified to by the Director of the Geological Survey, and two copies of the field notes shall be returned, one for the files in the United States surveyor-general's office of the State in which the reserve is situated, the other in the General Land Office; and twenty photolithographic copies of the plats shall be returned, one copy for the files in the United States surveyor-general's office of the State in which the reserve is situated; the original plat and the other copies shall be filed in the General Land Office, and shall have the facsimile signature of the Director of the Survey attached.

Such surveys, field notes, and plats thus returned shall have the same legal force and effect as heretofore given the surveys, field notes, and plats returned through the surveyors-general; and such surveys, which include subdivision surveys under the rectangular system, shall be approved by the Commissioner of the General Land Office as in other cases, and properly certified copies thereof shall be filed in the respective land offices of the districts in which such lands are situated, as in other cases. All laws inconsistent with the provisions hereof are hereby declared inopera-

tive as respects such survey: *Provided, however,* That a copy of every topographic map and other maps showing the distributions of the forests, together with such field notes as may be taken relating thereto, shall be certified thereto by the Director of the Survey and filed in the General Land Office. (30 Stat. L., p. 34.)

In conformity with the terms of the statute, a plan of operations was submitted to the Secretary of the Interior on June 7, 1897, and received his approval on June 8. (See Appendix A of this report.)

ORGANIZATION OF THE SURVEY.

The surveying parties were at once organized and placed in charge of the chiefs of the Rocky Mountain and Pacific sections of topography, Mr. E. M. Douglas and Mr. R. U. Goode, both of whom have had many years' experience in the rugged and heavily timbered regions of the West and Northwest, to each of whom were assigned certain reserves. The examination of the distribution and character of the forests and woodlands, the amount of damage inflicted on them by forest fires, the amount of dead timber, the extent of timber already cut, and the effects of pasturage upon the forests, was placed in charge of Mr. Henry Gannett, whose long experience, first with the Hayden Survey of the Territories and since 1879 with the Geological Survey, in the forest covered area, of the West particularly qualified him for this important work. (A copy of his instructions is submitted herewith as Appendix B, and a copy of the instructions to the topographers in regard to the mapping of the wooded areas as Appendix C.)

CHARACTER OF THE LANDS UNDER SURVEY.

Outside of the Black Hills and Big Horn reserves comparatively little was known of the physical characteristics of the areas included within the several forest reserves. In considering the problem of the best method to secure such information it became at once apparent that a reliable map was essential, in order to supply a proper base upon which to delimit the distribution of the forested lands and also to indicate the possibilities of utilizing the water supply.

The forest reserves which it was proposed to survey are, with the exception of the Black Hills Reserve, situated in high, mountainous regions, the altitudes ranging from 5,000 to 13,000 feet. They are all at a considerable distance from railroads and in most cases are without any considerable number of settlers. Roads and trails are very few, and in many localities entirely absent. The rugged character of the mountains and the density of the timber make travel off the lines of the roads and trails often impossible except on foot. Because of the high altitude or the northern latitude storms are frequent and snows fall in nearly every locality under survey early in September, thus delaying the work or causing its entire stoppage after a very short field season. The surveys were prosecuted with the utmost difficulty. In many cases the men were required to pack upon their backs the blankets, instruments, and supplies, it being impossible to take pack animals over the routes traversed. Forest fires, notably in Washington, prevailed over large areas, filling the air with smoke to such an extent that the work which required a clear atmosphere for its satisfactory prosecution was greatly impeded. These obstacles have retarded the work in the forest reserves very materially and have made it more costly than was anticipated. The relative cost of the work done thus far is further increased by the expense attending the purchase of new

instruments and field material, this item alone amounting to nearly one-fifth of the total expenditure.

The surveys were placed in the immediate charge of men who were thoroughly familiar with the duties required of them, and I am of opinion that the best possible results have been obtained that could be secured under existing conditions. The parties began operations in the field at various dates between the 1st of July and 1st of November, and remained at work in the Northwest as long as weather conditions permitted, and some parties are still at work in the Black Hills mapping the distribution of the timbered areas, although there is snow upon the ground.

EXAMINATION OF THE FORESTS ON THE RESERVES.

Of the appropriation of $150,000 for the survey and examination of forest reserves, the sum of $16,000 was allotted for examining into the condition and distribution of the forests upon the reserves and adjacent timber lands and other economic matters connected therewith. Of this amount, the sum of $7,032 had been expended up to December 1.

The examination of the forests has been made by men specially qualified in work of this character. They were selected solely on the score of their ability in this kind of work, without the slightest regard for political affiliations or local representation, it being understood that the desire of Congress was solely to gain full, exact, and reliable information regarding the timber resources of these reserves.

The information which these men, known as special field assistants, were instructed to obtain may be summarized as follows: The amount, species, age, size, and distribution of the timber, representing these facts as largely as possible upon maps; the extent of timber cutting; the prevalence, extent, and amount of damage by fire; the extent and character of the undergrowth; the character of the soil and the humus; the amount and character of settlement within the reserve; the extent and location of arable land within its limits; the extent and value of mineral lands; the demand for timber; the means and facilities for logging operations, and the effect upon the forests of the pasturage of sheep and cattle within them, particularly the former.

PROGRESS AND RESULTS OF SURVEYS AND EXAMINATIONS.

Following is a particularized report of the progress of the surveys and examinations and the results that have been accomplished thus far in the field, the reserves being taken up separately in their order from east to west.

BLACK HILLS RESERVE.

Survey.—It was known in advance that considerable work in the subdividing of sections in this area would be necessary, and that there were some township lines to run, but the exact localities of the work could not be known until a field examination had been made.

A leveling party, consisting of four men, was organized and commenced work on the 18th of June, and is still at work. A second leveling party, consisting of three men, commenced work on the 12th of July and disbanded on December 4. A topographic party, consisting of eight men, commenced work on July 14, and is still in the field. Owing to the fact that the necessary instruments for land-survey work could not be obtained until August, although ordered in June, sectionizing parties could not be started as early as desired. One sectionizing party, consisting of nine men, was organized August 10, a second of

nine men commenced work on the 30th of August, and a third of nine men on October 17. The total number of miles of standard and township lines run to December 1 by the three parties is 43 miles of township and 488 miles of subdivision lines, being portions of thirteen townships. There remain to be subdivided portions of twelve townships.

Judging by statements made by parties living in the Black Hills, and from Mr. Douglas's own experience while working in that locality late in November, the latter had good reason to suppose that field work could be prosecuted to advantage until the latter part of December. He therefore planned to increase the Black Hills parties in October and November by adding to them such parties as would be forced to discontinue work in other reserves on account of storms and snow. This plan of increasing the parties was carried out, and in October one triangulation party of four men and two topographic parties of three men each were added. Another topographic party of three men was added in November. Satisfactory progress was made until the latter part of November, when frequent and severe storms and cold weather intervened to greatly delay the work. The expense being so great and the results so small in comparison, it was decided early in December to order the field work stopped. An attempt is still being made, however, by the five topographers to sketch the outlines of the timber as carefully as possible on the old maps.

Up to the 1st of December an entirely new and accurate survey was being carried forward, including the running of level lines, the placing of bench marks, as required by law, the accurate sketching of the topography, and the careful outlining on the map of all timber areas, distinguishing between burned or dead and living timber.

On December 1 there were 57 men employed in this work.

The total amount of topography mapped to December 1 comprises an area of 970 square miles, being about two-thirds of the entire area. This required the survey of 1,190 miles of roads. The triangulation of the whole area is completed. Eleven new stations have been located. There have been run 451 miles of spirit-level lines, and 130 bench marks have been established, being about four-fifths of the whole number required.

Cost of topography, including leveling and triangulation, to December 1, $12,020. There have been a total of 531 miles of section or township lines run, at a cost of $5,185, the total cost of the work being, in round numbers, $17,205. The land survey work cost less than $10 per linear mile, which includes the cost of new instruments and outfits, thus making the rate slightly less than would have been allowed under land-office regulations.

Examination of forests.—Mr. H. S. Graves was employed as special field assistant in this region. He commenced work early in July and concluded in the latter part of November, having examined the entire region of the Hills, including much land outside the limits of the reserve. Topographic maps of this region, made upon a scale of 1:125,000, by the Survey, are used for the representation of much of the data obtained. Mr. Graves's report is now in preparation, and will probably be received at the office before the end of December.

BIG HORN RESERVE.

Survey.—Two topographic parties of four men each, two leveling parties of three men each, and one triangulation party of four men were outfitted for work in this reserve. To the triangulation party

was also assigned the duty of connecting the triangulation with that to be executed for the Teton Reserve, both depending on a base line and astronomic position previously measured near Sheridan, Wyo.

The triangulation party commenced field work July 5, and first secured control for topographic work over that part of the reserve in the vicinity of Cloud Peak. This necessitated the selection and occupation of 10 stations. Positions of these were computed at once and furnished to the topographic party to which had been assigned the duty of mapping the area. The further work of the triangulation party in the vicinity of the Yellowstone and the Teton timber and forest reserves consisted in the selection and location of 12 stations. The field work of this party ended on November 10.

One leveling party was outfitted and commenced work at Sheridan, Wyo., on June 26, and terminated field work on November 6. A second leveling party commenced work early in July, and was disbanded on the same date as the other party. The total length of level lines for these two parties is 330 miles. Their work also included the establishment of 80 permanent bench marks.

One topographic party commenced a survey of the Cloud Peak area on the 12th of August, and continued in the field until November 2. During this period an area of 490 miles was surveyed, including a careful location of the outlines of all timber areas. The second party commenced field work on July 8, and was disbanded on September 5, on account of illness in the immediate family of the chief of party. During this period of activity an area of 245 square miles was mapped and the outlines of timber were carefully sketched.

The total cost of the work in the Big Horn area, including that of the triangulation party, which also did work for the Teton Reserve, is $8,952.

Examination of forests.—Mr. F. E. Town was employed as special field assistant for the examination of this area. He commenced work about the middle of July and ended at the close of September. His report has been completed and is in this office. For graphic representation of the facts regarding this reserve maps of a portion of the reserve made by this survey upon a scale of 1:125,000 are available. The remaining portion is less well known, but it will be possible to prepare an approximately correct map upon a scale of 4 miles to the inch representing its entire area, which will be used for the above purpose.

TETON RESERVE.

Survey.—As a portion of the area included in this reserve was known to be settled, and as initial geodetic positions and level elevations were available, the work planned was to secure additional triangulation control, to commence the leveling, and to begin the preliminary work for mapping the eastern part of the reserve. The necessary outfit for two parties of five men each was procured at Idaho Falls, Idaho, this being the nearest available outfitting point. Field work was commenced July 18 and stopped on October 18.

The total sum expended to date is $4,867.

The practical results accomplished are the location of eight triangulation stations within the reserve, the running of 154 miles of accurate spirit-level lines, the establishment of 13 level bench marks, the survey of 173 miles of roads, and the careful location of 60 land-survey corners. The work is now in such condition that topographic surveys can be commenced, when the weather permits, without any additional office or field work.

Examination of forests.—This work was assigned to Dr. T. S. Brandegee, who was employed as special field assistant for this purpose. He commenced work the 1st of July and concluded about the end of September. His report has been completed and is in this office. The Yellowstone Reserve has been mapped by the Survey on a scale of 1:125,000, and the area of the Teton Reserve was mapped by the Hayden Survey in 1877–78, upon a scale of 4 miles to the inch. These maps will be used for the representation of such portions of data as are susceptible of graphic representation.

LEWIS AND CLARKE AND FLATHEAD RESERVES.

Surveys.—Both of these reserves embrace a practically unsettled country, where there are very few roads or trails, and of which no accurate maps have ever been made. Therefore the first work planned was the carrying forward of triangulation to cover the whole area, to serve as a basis for topographic maps and for tie points for land surveys, to be carried on another season. Two parties of four men each were outfitted for work, to commence at a base line to be measured near Helena and to use the Coast and Geodetic Survey astronomic station at Helena, this being the nearest astronomic station. Field work was actually commenced on the 10th of July, and was continued by the Flathead party until September 28, when, because of numerous storms and deep snow, it was decided that further work for the season was impracticable. The Lewis and Clarke party remained in the field until November 10. During this time 7 triangulation stations were selected and marked, and signals erected outside of the forest reserve. In addition to these, 6 stations within the reserve were selected and occupied and 5 additional points for stations selected. When the office computations for this work are completed ample control will be furnished for commencing topographic and other surveys. The Flathead party was engaged the greater part of the season in assisting the Lewis and Clarke party, for until the positions in the latter reserve were carried northward no base would be furnished for the Flathead Reserve. The only practical results accomplished in the Flathead Reserve are the reconnoissance for triangulation and the selecting and monumenting of 4 stations.

The total amount expended for these two reserves to December 1, is $4,685.

Enough is now known of these two reserves to plan future work intelligently, and to at once commence topographic and land surveys.

Examination of Forests.—No examinations of the forest conditions of the Lewis and Clarke and Flathead reserves were made, owing mainly to the fact that no adequate maps of the areas were available for the representation of such data.

UINTA RESERVE.

Surveys.—It was planned to carry triangulation for this reserve from the Coast and Geodetic Survey transcontinental stations in the vicinity of Salt Lake, and to run level lines from Evanston, Wyo., into the reserve, and to commence at an early date the subdividing of townships, where found needful. After a preliminary examination of the country it was deemed impracticable and, for the present, unnecessary to commence subdivisional surveys.

One triangulation party of four men, and one leveling party of three men were outfitted at Salt Lake and Evanston. The triangulation party found it necessary to occupy 7 stations outside of the reserve

in order to secure positions and distances. The stations actually located within the reserve are 4 in number. Only 57 miles of spirit-level lines were run, the greater part of which were outside of the reserve. The weather in this locality was even worse than that encountered in the other reserves. The total amount expended for this reserve to December 1 is $3,506.

Examination of forests.—The examination of the forest conditions of the Uinta Reserve was included in the plans at the outset of the season, with the intention that Dr. T. S. Brandegee should make such examination upon the completion of his work in the Teton Reserve. At the time this latter was finished, however, the season was so far advanced that it was decided to be unwise to begin the work, since the region consists of high mountains ranging in altitude from 10,000 to 13,000 feet. This work was, therefore, postponed until the spring of 1898.

BITTER ROOT RESERVE.

Surveys.—Probably there is no other portion of the country, exclusive of Alaska, about which there was so little known as of the territory included in the Bitter Root Forest Reserve. It was therefore necessary to commence *ab initio*, as nothing whatever was available from a topographic standpoint. The first step was to determine an astronomic position, measure a base line, and expand a system of triangulation which would serve to furnish starting points for the topographic mapping. A location for the astronomic station was selected in the town of Hamilton, Mont., and the latitude and longitude of a masonry pier built at this point were determined. The latitude was obtained by observations on 60 pairs of stars, and the longitude by time observations and telegraphic exchange of clock signals with Washington University at St. Louis, Mo., on five nights. A permanent meridian mark was also set one-half mile south of the astronomic pier. A base line was twice measured with a 300-foot tape under a constant tension of 20 pounds, several hundred thermometric readings of the temperature of the tape being obtained during the process of measurement. The total length of this line was 5.7 miles, and the difference between the two measurements, after all corrections had been applied, was about 1 inch. Triangulation was expanded from the base line over an area of about 6,500 square miles, 1,000 miles being covered so that no further work is necessary, and the remaining 5,500 being covered in a manner sufficient to provide a basis for a reconnoissance map, including the whole area of the Bitter Root Forest Reserve.

Topographic work was prosecuted by two separate parties, one being engaged in preparing a detailed map of the territory included in and adjacent to the Bitter Root Valley, and the other party being detailed to secure data for the reconnoissance map above referred to. About 600 square miles were included in the detailed survey, and the remaining portion of the reserve was mapped by the reconnoissance survey. On the maps resulting from each of these surveys will be shown with considerable detail the extent and variety of the forest areas, and also those areas that have been denuded by forest fires, as well as those which are naturally bare of timber. There was also obtained information for defining the mineral areas and the areas that are suitable for agricultural purposes.

The boundaries of this reserve are defined in part by the lines of the public land system, none of which have been surveyed. For the purpose of locating these boundaries, and also for establishing a basis from

which other township and section lines could be projected, a special party was organized. The Montana base line was extended westward for a distance of 12 miles, and from this were projected northward and southward lines aggregating about 50 miles. This work was prosecuted with the greatest difficulty, owing to the rugged and precipitous nature of the territory traversed; the line crossed at right angles the spurs making down from the summit of the Bitter Root Range, which are 3,000 or 4,000 feet above the beds of the intervening streams.

In addition, numerous level lines were run throughout the Bitter Root Valley and as far up the tributary drainage as it was practicable to carry lines of spirit levels, and in other localities careful elevations were obtained by vertical angulation.

In the prosecution of the surveys in the Bitter Root Reserve there were 5 parties engaged, employing a varying force of about thirty-five men, and the sum of $12,606 was expended. This expenditure included the purchase of 9 horses and mules, 3 wagons, and other camp material, such as tents, cooking utensils, etc.

It is believed that the information obtained in this reserve is sufficient to answer satisfactorily any question that may arise.

Examination of forests.—That portion of this reserve lying in Montana was examined by Mr. Leiberg, besides which he made a reconnoissance of part of the Idaho portion of the reserve, and his report upon this area is completed. A map of the Montana portion of this reserve, upon a scale of 1:125,000, and also a reconnoissance map on a scale of 6 miles to 1 inch of the remaining portion of the reserve, has been prepared and is available for use in connection with this report. Mr. Leiberg closed his field work about the end of October.

PRIEST RIVER RESERVE.

Surveys.—No surveys of any kind, except a small amount of land subdivision, had been made in this area. It was therefore decided to extend the township lines, to establish lines of levels, and through another connection to arrange for triangulation, so that detailed mapping could follow during the next field season.

The thirteenth standard parallel north of the Boise meridian was extended westward from the existing termination, which was 3 miles west of the Boise meridian, to the State line between Idaho and Washington, a distance of about 27 miles, and a connection was made with one of the mileposts of the latter line. From this standard parallel a guide meridian was projected northward from a point 24 miles west of the Boise meridian to the location of the international boundary, as well as could be determined, there being no surface mark to indicate the exact location. In addition, information was secured sufficient to prepare a reconnaissance map of the entire reserve, and level lines were carried from Priest River station to Priest Lake and from the northern end of Priest Lake to Upper Lake, the connection between the stages of water at the lower and upper extremity of Priest Lake being determined by a series of synchronous observations. Priest Lake was carefully triangulated and meander lines were run along the shore line of the lake connecting the triangulation stations, so that data were obtained sufficient to prepare a map of the lake. The triangulation points here as elsewhere were permanently marked by copper bolts let in the solid rock, so that they will remain recoverable for an indefinite length of time.

A varying force of about twenty-five men was employed in this

locality, and the sum of $6,992 was expended. This expenditure included the purchase of 17 mules and a camp outfit of tents and other articles.

Examination of forests.—For the examination of this reserve and a portion of the Bitter Root Reserve Mr. John B. Leiberg was transferred temporarily from the Department of Agriculture, in which he has for several years been employed in similar work. Mr. Leiberg commenced work upon the Priest River Reserve July 1 and finished the examination of that reserve in August. His report has been completed and is in this office. Data for preparing a map of this reserve are somewhat scanty, but it will be possible to compile a map upon a scale of 6 miles to an inch, which will answer for the preliminary presentation of the forestry data.

WASHINGTON RESERVE.

Surveys.—Three separate and independent parties were organized in this reserve; one in the eastern portion of the reserve, in the vicinity of Lake Chelan; the second in the territory west of the summit of the Cascade Range, operating from Monte Cristo; and a third at Ellensburg, for the purpose of extending reconnaissance triangulation over the entire reserve. As in the other reserves mentioned, few or no data were available from which to start surveys.

In the section east of the summit of the Cascade Range it was therefore necessary to measure a base line in the vicinity of Lake Chelan and to expand therefrom a system of triangulation, which system was ultimately connected with the Ellensburg base by the observations of the party referred to above as the triangulation party. Depending on this triangulation, detailed mapping was commenced in the basin of Lake Chelan, and about 400 square miles were mapped, including a careful survey of the shore line of the greater portion of the lake and the topography of the adjoining mountains. Level lines were carried from a bench mark previously established by the Army Engineer Corps at Chelan Falls, on the Columbia River, to the lower end of Lake Chelan. A connection between the lower and the upper end of the lake was established by synchronous water-height observations, and from the head of the lake the levels were continued to the summit of the Cascade Mountains at Cascade Pass. Connections were obtained with the existing land surveys, so that land lines may be projected in their proper location over any portion of the territory surveyed. Careful observations for defining the extent and variety of the timbered areas were made, and the necessary data were secured for the segregation of such lands as proved to be more valuable for agricultural than for timber purposes.

No triangulation existed in the area west of the summit of the Cascade Mountains on which topographic work could be based; therefore the triangulation party was directed to extend as quickly as possible the triangulation resting on the Ellensburg base, so as to reach the area proposed for topographic survey. Operations in the vicinity of Monte Cristo were prosecuted under the greatest difficulties on account of the alternation of atmospheric smoke and stormy weather, and it was found necessary to discontinue work entirely about the 1st of November, as the snow in the mountains made work practically impossible. During the season topographic surveys were extended over an area of about 500 square miles and level lines were run over the existing roads and practicable trails. In addition, various other elevations were determined by vertical angles and permanently marked, so as to meet the

requirements of the law providing that at least one bench mark shall be established in each township. Information was also secured relative to the segregation of agricultural and mineral lands.

The triangulation party succeeded in extending a reconnoissance survey from the Ellensburg base northward so as to cover the territory surveyed by the two parties above mentioned. These observations were not finally completed, as the party was forced to discontinue work early in November on account of the unusually heavy snows, which absolutely prohibited the party from making the ascent of the mountain summits used as triangulation stations.

An average force of about thirty men was employed at various times in this reserve and the sum of $13,465 was expended, including the purchase of about twenty animals and various articles of camp equipment.

Examination of forests.—This being much the largest of all the areas to be examined, and by far the most important from an economic standpoint, much fuller provision was made for its examination than in the case of the other reserves. For the examination of the portion of this reserve lying east of the divide of the Cascade Range two men, Messrs. W. G. Steele and M. W. Gorman, were employed. They commenced work about the middle of August and completed it in the latter part of November. For the western portion Mr. H. B. Ayres was employed, and to its examination he devoted four and a half months—from the middle of July to the end of November. The reports on this reserve are now being prepared, and it is believed will be completed by the end of this month or early in January. As little of this region has been mapped with accuracy, it will be necessary to compile a map, upon a small scale, for the presentation of forestry data. It is believed that such a map can be prepared upon a scale of 6 miles to an inch which will serve for a preliminary presentation.

MISCELLANEOUS DATA CONCERNING FORESTS ON RESERVES.

Mr. Leiberg, who has completed his reports upon the Priest River and Bitter Root reserves, is at present engaged in the preparation of a report upon the timber lands of northern Idaho, a region of which he has made a prolonged study and with which he is familiar.

There is in existence, scattered about in the hands of many persons but uncollected and unpublished, a vast amount of information concerning our forests. Nearly all the subdivided forest lands of the West have been examined. All the lands comprised in the heavy timber belt of the Northwest (Washington, Oregon, and California), except those which have not yet been subdivided by the General Land Office, have been examined with reference to their timber, and much of them repeatedly, by timber cruisers in the employ of States (for making selections), railroads, and lumber companies. These cruisings have never, so far as learned, been compiled. These statistics are being collected. Altogether there have thus far been ascertained the timber supply and its distribution over some 3,000,000 acres, and similar statistics concerning some 10,000,000 or 12,000,000 acres more are now being compiled. These statistics will furnish, for the first time, clear, definite information concerning the amount, character, and distribution of the merchantable timber of the West, and will enable public and private holders of timber land to manage their holdings with economy and profit.

FOREST RESERVES IN SOUTHERN CALIFORNIA.

Surveys.—After the parties engaged in the Northwest were forced to discontinue work they were transferred to southern California and work was begun in the San Gabriel Timber Land Reserve and in the San Jacinto Reserve.

In the former the survey will prove especially important, as the city of Los Angeles is now considering the question of water supply, which will largely depend upon the preservation of the forested areas in the mountains over which the reservation extends. The area to be surveyed includes the entire drainage basin of the Los Angeles River, and will afford valuable and indispensable information to the engineers engaged in the solution of the question of the water supply for Los Angeles. In order to provide control for this work the existing triangulation in the Los Angeles Valley was extended northward. One hundred square miles of detailed topography have been completed.

Work has been commenced in the San Jacinto Reserve and will be prosecuted throughout the winter and spring months by topographic, triangulation, and level parties. There are a number of artesian wells in this locality, and the water supply of a large section of the country devoted to fruit raising, for the success of which constant irrigation is essential, is directly dependent upon the preservation of the trees and shrubbery in the mountains included in the reserve.

About $2,060 have been so far expended in this locality, and there is at present a force of twenty men engaged.

About the 1st of January it is proposed to place a party in the San Bernardino Forest Reserve.

Examination of forests.—It is planned to begin the examination of the forests of the California reserves in the spring of 1898.

SUMMARY.

In the accompanying tabular statistical summary are given the figures relating to the surveys thus far executed in the forest reserves.

Of the results of the examination of the forests it may be briefly stated that, in the area examined, which is approximately 15,000 square miles, the statistics of the several species of standing timber and the amounts of each, with the areal distribution, have been collected.

As previously stated, the sum of $7,032 has been expended for the examinations to December 1, leaving on hand of the amount allotted for this purpose, $8,968, which may be used for the continuance of the work. This added to the $51,661, which is available for office work and for going on with the surveys in the spring of 1898, makes the total amount unexpended to date, $60,629.

Survey of forest reserves, statistical summary.

	Black Hills.	Big Horn.	Uinta.	Teton.	Lewis and Clarke.	Flathead.
Base lines measured					1	
Triangulation stations located	11	22	11	8	18	4
Triangulation ... square miles	2,500	5,000	3,500	2,000	4,500	1,200
Detailed topography, including sketching of timber lines ... square miles	970	735				
Level lines ... miles	451	330	57	154		
Permanent bench marks	130	80	25	13		
Traverse lines ... miles	1,190	203		173		
Land surveys:						
Standard ... linear miles	6					
Township ... do	37					
Section ... do	488					
Average number of men employed	40	18	7	10	4	4
Total cost to December 1	$17,206	$8,952	$3,506	$4,867	$3,272	$1,413

Survey of forest reserves, statistical summary—Continued.

	Bitter Root.	Priest River.	Washington.	San Gabriel.	San Jacinto.	Total.
Astronomic stations determined	1					1
Base lines measured	1					2
Triangulation stations located	19		28	7	3	131
Triangulation ... square miles	6,500		7,000	500	500	33,200
Detailed topography, including sketching of timber lines ... square miles	600		845	100		3,250
Reconnoissance topography ... do	6,500	1,000				7,500
Level lines ... miles	157	37	164	40		1,390
Permanent bench marks	22	8	30	8		316
Traverse lines ... miles	608		231	80		2,485
Land surveys:						
Standard ... linear miles	21	66				93
Township ... do	38					75
Section ... do						488
Meander ... do	6	63				69
Streams gauged	11					11
Average number of men employed	35	25	30	10	10	193
Total cost to December 1	$12,606	$6,992	$13,465	$1,952	$108	$74,339

Amount allotted	$126,000
Amount expended to December 1	74,339
Balance available for office work in completing field notes and for continuing surveys in the spring	51,661

APPENDIX A.

PLAN FOR THE SURVEY OF THE FOREST RESERVES.

All surveys to be confined to the forest reserves that are suspended by Congressional action until March 1, 1898, with the exception of surveys during the winter months on the San Jacinto or San Bernardino reserves, California.

The surveys of the reserves may be divided into: First, topographic and subdivisional surveys; second, forestry surveys.

Method of making the topographic and subdivisional surveys.—The topographic surveys will be made in the same manner as the other topographic surveys of the United States Geological Survey. The base for the topographic work will be triangulation and spirit-level lines, except in the higher and more rugged mountain portions, where there are no roads or trails. In such areas, the best practicable methods are to be employed to secure elevations and distances. The subdivisional surveys to be made in the same manner as in the survey of the Indian Territory. The land subdivision surveys are not to be extended over the higher and more rugged mountains, the classification of areas there to depend upon the natural features, as shown by the topographic map.

The purposes of these surveys are: (*a*) The preparing of topographic maps upon the scale of 2 miles to the inch, with contour intervals of 100 feet, to serve as base maps for the representation of forestry details, agricultural and mineral lands, etc.; (*b*) the establishment of bench marks indicating elevation above sea level; (*c*) the subdivision of the reserves by running township lines (unless this has heretofore been done by the General Land Office), for the purpose of designating tracts of land; (*d*) the demarcation, by means of section lines, of tracts which are more valuable for agriculture and minerals than for their timber, it being understood that the land subdivision surveys shall be limited to township exteriors, except in cases where more than the area of one-fourth of a township is taken up by agricultural or mineral lands or by settlements, in which latter event the townships shall be subdivided into sections over such portions as include agricultural or mineral lands or settlements. While the ultimate decision regarding the status of such lands rests with the Secretary of the Interior, tentative decisions, for the purpose of deciding whether or not such tracts should be surveyed, shall be made by the chief of party; (*e*) the mapping by the topographer in charge of each party of the outline of all wooded and forest areas.

Out of the appropriation of $150,000, made for the survey of the Forest Reserves, $128,000 will be allotted to the topographic and subdivisional surveys, and the fol-

lowing work will be undertaken under the charge of Mr. E. M. Douglas, chief of the Rocky Mountain section of topography:

BLACK HILLS, SOUTH DAKOTA.

It is proposed to run such additional township lines as may be necessary to complete the township surveys over the whole area, and to subdivide such townships as may be found to include agricultural or mineral lands. Also to completely revise the maps of this timber reserve, to run such level lines, and set such corner posts as may be needed to comply with the existing law. Amount allotted, $14,000.

BIG HORN RESERVE, WYOMING.

It is proposed to continue the township surveys of this area and to extend triangulation as needed for topographic surveys, to continue the topographic surveys of the whole area, and to run such level lines and set such corner posts as are required. Amount allotted, $14,300.

TETON RESERVE, WYOMING.

This, like the Big Horn Reserve, is mainly an area of high mountains in which snow falls in October. It is proposed to extend triangulation from the vicinity of Hart Mountain (Sheridan Base) southwestward across the reserve east of the Park, and over the whole of the Teton Reserve. Also, to resurvey all valley areas and, if the existing maps of mountain areas are found to be defective, to correct or resurvey them; and to run level lines and add bench marks, as required by law. Amount allotted, $10,000.

UINTA RESERVE, UTAH.

It is proposed to extend triangulation from the Coast Survey base over this whole area. It is also proposed to do such exterior work as can be done by one party during the season, which it is thought will include about two-thirds of this reserve. Also, it is proposed to run level lines and set the bench marks needed for commencement of topographic surveys next season. Amount allotted, $9,700.

LEWIS AND CLARK AND FLATHEAD RESERVES, MONTANA.

It is proposed to measure a base line at Helena, connecting with the astronomical station at that place, and to extend triangulation northwestward over the Lewis and Clark and Flathead reserves. Amount allotted, $11,000.

For convenience of supervision, Mr. R. U. Goode, chief of the Pacific Section of Topography, will take charge of the survey of the following areas:

BITTER ROOT RESERVE.

Practically no survey work has yet been done in this reserve. It is proposed to locate an initial point astronomically, measure a base line and extend triangulation into it. It is further proposed to commence topographic work, including leveling, and to run township lines and segregate agricultural areas, and to complete the survey of the eastern portion of the reserve this season. All these classes of work will be continued as far as the season will permit. Amount allotted, $21,000.

PRIEST RIVER RESERVE.

As no surveys of any kind have been made in this area, it will be necessary to extend township lines over it and to accompany these lines with lines of level. It will not be possible the present season to extend triangulation over it or to commence topographic mapping. Amount allotted, $12,000.

WASHINGTON RESERVE.

This is a very heavily forested area, the survey of which will be costly and slow. It is proposed to start with the known mineral and agricultural areas, and, as far as possible, provide a basis for the subsequent survey of other portions of the reserve. The work of running township lines within the reserve will be commenced and carried as far as the season will permit, and to carry triangulation forward from the Ellensburg base. Amount allotted, $26,000.

SAN JACINTO OR SAN BERNARDINO RESERVES, CALIFORNIA.

It is proposed to have the surveyors who are driven from the northern reserves by cold weather and snow proceed to this reserve and survey as much of it as possible, owing to its great value to the irrigation interests of southern California. Amount allotted, $10,000.

FORESTRY SURVEY.

This work will be in charge of Mr. Henry Gannett, geographer. For the examination of the forests a number of experts will be employed, and to each will be assigned an area consisting of a single reserve, or more than one in the case of small reserves. It will be the duty of these experts, with the aid of the topographic maps, to study the distribution of forests and woodland, the size and density of the timber, and the distribution of the leading economic species, in short, to obtain an estimate of the economic value of the forests. They should, moreover, examine and report upon the ravages of forest fires and the amount of damage inflicted by them, the amount of dead timber, the extent to which forests are pastured, and the effect of this upon the forests, and the extent of the timber already cut.

One such expert will be assigned to an examination of the forests of the Black Hills, a preliminary map of which has been prepared by the Geological Survey.

A second will be assigned to the Big Horn Reserve, a part of which has already been surveyed by the Geological Survey, while the survey of the remainder will probably be completed during the coming year.

A third will be assigned to the Teton, Wyoming, Reserve, and the Uinta, Utah, Reserve, maps of which, believed to be approximately adequate for a reconnoissance survey, have been prepared by the Hayden, Powell, and King surveys.

A fourth expert will be assigned to the Priest River Reserve, and the eastern portion of the Bitter Root Reserve. By accompanying the surveyor engaged in running township lines, it is believed that he will be able to report upon these areas.

If the funds will allow, it is also proposed to employ one or two additional experts for the purpose of making a reconnoissance survey of the Washington Reserve.

The surveyors and forestry experts will not be limited in the scope of their work by the present lines of the reserves, but will be instructed to extend their examinations to adjoining public lands.

Amount allotted for the forest survey, $16,000. The balance of the appropriation of $150,000 to be used to defray office expenses and serve as a contingent fund.

Résumé.

Topographic and subdivisional surveys	$126,000
Forestry survey	16,000
Office and contingent	8,000
	150,000

DEPARTMENT OF THE INTERIOR,
June 8, 1897.

The foregoing plan for the survey of the forest reserves for which provision is made in the sundry civil act approved June 4, 1897, is hereby approved.

C. N. BLISS.
Secretary.

APPENDIX B.

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., June 14, 1897.

SIR: You are hereby assigned to the charge of an examination of the forests and woodland of the forest reserves and adjacent wooded regions. The allotment for this work will be $14,000. From this the following salaries are to be paid:

Henry Gannett, geographer	$3,600
Mrs. Nellie F. Moss, stenographer	1,000

You are authorized to employ assistants, who must be experts in the examination of forests, as hereafter set forth, at salaries not exceeding $125 per month and expenses. As topographic surveys will be in progress in each of the reserves to be examined, such experts may make their headquarters in the camps of the surveying parties, but should be prepared to make short trips independently, in order to insure freedom in their work.

The topographers will outline all wooded areas upon the topographic maps. It will be the duty of the forestry experts to classify and map the areas occupied by timber suitable for the sawmill and for inferior uses, such as mining, railroad ties, and firewood. They will map also the distribution of the leading species of timber of economic value individually. They will make note, furthermore, of the size and density of the distribution of the valuable timber, and of the character and density of the undergrowth. They will map the area from which the timber has been destroyed, whether from burning, cutting, or other means, the extent to which the

forests have been culled, and the species culled, the main purpose being to obtain an estimate of the value and character of the timber upon the reserves and adjacent regions. These experts should also make inquiries and be prepared to report upon the extent and character of the demand for timber, the means of getting it out, including the character of the streams, roads, railroads, etc.

Of the Black Hills, of South Dakota, a map has been prepared by the United States Geological Survey. For the examination of this area you will employ one such expert, and owing to the character of the country and the importance of the interests dependent upon it, great care should be exercised in his selection.

Of the Big Horn Reserve, in Wyoming, a small portion only has been mapped, but the remainder will be mapped during the coming year. For the examination of this reserve you will employ one expert, who will use this map and tracings of the plane-table sheets of the remaining area as fast as they are prepared.

The Teton Reserve has been mapped by the Hayden Survey, and the Uinta Reserve by the Powell and King Surveys. For the examination of these reserves you will employ one expert, who will use these maps for the purpose.

The Priest River Reserve has been in part subdivided into townships, and the remainder will be subdivided similarly during the current season. For the examination of this reserve you will employ one expert, who will use the plats of the township exteriors for the purpose, thus defining areas by townships.

Work will be commenced upon the Bitter Root Reserve upon its eastern side, extending westward into it. For the examination of this reserve you will employ one expert, who will accompany the surveying party, using tracings of their plane-table sheets for his examinations.

In the Washington Reserve work will be commenced upon the east and west sides. One expert will be employed and accompany the surveying party, working upon the east side, using copies of the plane-table sheets as prepared; a second expert will be employed upon the west side of this reserve, and the same expert may make examinations in the Cascade Range to the southward, touching the question of the effect of sheep husbandry upon the forests.

You are authorized to make such journeys as may be necessary in carrying out these instructions, either by rail or by other mode of public or private conveyance, and to authorize the persons employed by you to make similar journeys.

I am, yours with respect,

CHAS. D. WALCOTT,
Director.

Mr. HENRY GANNETT,
Geographer, United States Geological Survey.

APPENDIX C.

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
June 15, 1897.

INSTRUCTIONS RELATIVE TO MAPPING WOODED AREAS.

(1) Topographers will map on their field sheets the outlines of all wooded areas with as great detail and accuracy as they locate other topographic features.

(2) In the prosecution of plane-table triangulation angles of wooded areas, prominent trees and other features in the boundaries of woodland should be located, to aid in sketching. Traversemen should locate similar points.

(3) In topographic sketching the topographer should, with the aid of the control points furnished by his topographic base, as well as those above mentioned, sketch the outlines of all wooded areas, using a symbol which will not conflict with those employed in representing other features.

(4) The topographer must use his judgment in distinguishing the limits of wooded areas. It is impossible to give rules applicable to all cases, but it is not intended, on the one hand, to limit these areas to large merchantable timber, nor, on the other hand, to include brush or scattered trees.

(5) The topographer should make notes of the characteristics of these wooded areas—that is, whether they are composed mainly of conifers or of broad-leaved trees. He should distinguish between cedar, piñon, and quaking aspens on the one hand, and pine, spruce, and firs on the other, as well as between chaparral, mesquite, and large timber.

(6) Burned areas should be noted.

(7) In the office the topographer will draw, on a photograph of the topographic atlas sheet, the outlines of all wooded areas, noting in the body of the map or on the margin such distinctions in the character of the trees as have been above referred to

55TH CONGRESS, 2d Session. | SENATE. | DOCUMENT No. 48.

RESERVATION OF CERTAIN LANDS IN CALIFORNIA.

JANUARY 5, 1898.—Laid on the table and ordered to be printed.

Mr. TELLER presented the following

TESTIMONY TAKEN BY THE SELECT COMMITTEE OF THE UNITED STATES SENATE, APPOINTED UNDER SENATE RESOLUTION OF JULY 29, 1892, TO INVESTIGATE THE MATTER OF THE RESERVATION OF CERTAIN LANDS IN THE STATE OF CALIFORNIA.

Whereas under the provisions of the act of Congress approved October 1, 1890, certain lands in the State of California were made forest reservations; and

Whereas there were included in said reservation several thousand acres of land upon which homestead, preemption, and other settlers had entered and made homes and extensive improvements; and

Whereas said lands referred to are, to a very small extent, if any, timber lands but on the contrary have been and can be cultivated: Therefore be it

Resolved, That a committee, consisting of three Senators, be appointed to investigate the matter of the reservation of said lands and report to the Senate what action ought to be taken to protect the rights of any bona fide settler who may be included in said reservation;

That said committee be authorized to sit during the recess, to send for persons and papers, and do all other things necessary to a full investigation of the merits of the case;

That the necessary expenses incurred in this investigation shall be paid out of the contingent fund of the United States Senate;

That the said committee shall make a full report at the second session of the Fifty-second Congress.

In pursuance of the foregoing resolution Senators Felton (chairman) of California, Kyle of South Dakota, and Morgan of Alabama were appointed as members of said committee.

FRESNO, CAL., *November 15, 1892.*

The committee met pursuant to the call of the chairman.

Present: The chairman and Senator Kyle.

TESTIMONY OF A. C. DALTON.

A. C. DALTON sworn and examined.

By the CHAIRMAN (Mr. Felton, of California):

Q. Mr. Dalton, please state your name and residence.—A. A. C. Dalton, Madera, Cal. I settled in Fresno County in 1856; came to California in 1850, and have resided in this county ever since, with the exception of two years. The number of persons who own lands in the Yosemite Park I could not state; approximately I would say there were 200.

By Senator KYLE:

Q. Do you know the number of townships?—A. In the neighborhood of forty—from thirty-six to forty townships. I speak of the whole entire reservation as a park. I think there are about 200 in the entire Yosemite Park Reservation, all living in the limits of that park.

Q. State when they settled and what they have done.—A. That I could not state—that is, the exact time they settled there, but they have been there ever since the mines were discovered in this country; they settled in the mountains and made their little homes, more particularly around Mariposa—Mariposa City; some miners, some herders.

Q. You remember their filing on these lands?—A. That I don't know.

By the CHAIRMAN:

Q. You don't know whether they made filings or not?—A. I don't; I presume a good many have, and perhaps own the lands.

By Senator KYLE:

Q. You understand those were excepted who really own the lands?—A. There are some, quite a number, who hold the lands now.

By the CHAIRMAN:

Q. Were they ever disturbed in that possession?—A. I think not.

By Senator KYLE:

Q. Nothing to complain of?—A. Nothing to complain of; I think they own the lands.

Q. Well, are there any that complain?—A. Well, they complain, of course; that is, those men who have stock. A few days ago the soldiers were sent up there to guard this park, and on their return down to the presidio the lieutenant, or rather the second lieutenant, stopped at my house on his way back, and being acquainted with some of the members of the family, called to see them. He told me that they had been forced (as they had instructed these men to take stock off of this park) that they had been forced to act, and he was given a detachment of men, who went up there (20 or 30) to drive this stock up together and drive them clean across the mountains and turn them loose on the other side. Of course, there is where these complaints come in, because their stock can not run at large as it has always done. Of course, they did not gather them up and bring them out of there entirely. They were gathered up by the soldiers and driven across on the other side, and being so late in the season they were unable to get back. They are over there yet.

Q. How much land have these persons?—A. A hundred and sixty acres or so.

By the CHAIRMAN:

Q. How large bands of cattle have they?—A. Some 10 or 15 head, some 100, some 200, owing to circumstances. They are not wealthy people.

Q. In other words, they have been doing what all of us have—letting their cattle run over the Government lands?—A. Yes, sir.

Q. And now the park authorities object?—A. Yes, sir.

By Senator KYLE:

Q. I would like to know the nature of this land. Is it good grazing land?—A. Well, it is good grazing land in the summer months and only in the summer months—nothing like the grasses that grow on the plains, but sometimes bandit grass—peafine, as the stock people call it.

By the CHAIRMAN:

Q. In other words, that grass is good?—A. Good feed—keeps stock fat.

Q. It would take a great many acres to pasture a few cattle?—A. A great many, if running at large.

By Senator KYLE:

Q. Does running the stock at large in the National Park do any damage?—A. I say not. I say, if anything, in a park like that, it does it benefit. There is no damage that can be done. I have no cattle. It does it a benefit. Now, to illustrate that fact: I have been living there ever since 1856, and when I came to this country, I could take you up to what is known as "Green Valley"—the valley is about 3 miles—stand in the lower end of that valley and you could see deer in the upper end of it. With all that has been said with regard to stock injuring the watersheds, why that valley is grown up in young pines until it is almost closed. It is so that you can not see anything. It is so throughout. It has grown up in an undergrowth, and right at that particular point it was a great stopping place for sheep. Thousands and thousands of sheep went through there, and those parties that lived there, of course, rented those lands out to sheep men; and the undergrowth and the young pines on the side of the mountains and all through that country have become so thick that you can not drive a flock of sheep through this portion. That has been my experience in regard to that.

By the CHAIRMAN:

Q. I did not know that it was contended that grazing would hurt the watershed.—A. Well, that has been contended—that is, the pasturage of sheep, cattle, or horses has had a tendency to destroy the young growth and injure the country; that has been the contention.

Q. That is contended by some?—A. Yes, sir; that I believe to be the contention—my impression has been; I crossed the plains in 1850 and I crossed the mountains; it is because fires are kept out that trees grow up; it keeps the fires out by eating down the grass. That is, the people who use these lands for grazing purposes don't want to burn them up. That is the natural result.

Q. Now, you have no complaint to enter on part of any citizen in regard to any of the preemption claims upon these lands?—A. Why, certainly not.

By Senator KYLE:

Q. And you don't know how many men have been dispossessed?—A. I don't know whether any have really been dispossessed or not. In fact, in some instances, the soldiers let them go through with their own stock onto the lands, but with these lands they were a little more rigid.

By the CHAIRMAN:

Q. Have you anything further to state in this connection?—A. Nothing more.

TESTIMONY OF WILLIAM F. DEAN.

WILLIAM F. DEAN, sworn and examined.

By Senator KYLE:

Q. Well, Mr. Dean, you might state where you reside; if you ever resided in the Sequoia National Park; whether you have owned lands

in there; settled in there; made filing upon lands, and follow the same general tenor that was given by the preceding witness.

The WITNESS. I suppose I should give a kind of narrative, should I, such as would give you an idea of my treatment and of the loss I have sustained?

Senator KYLE. That is exactly what we want.

A. My full name is William F. Dean. I reside at Three Rivers, Tulare County, this State. I have been engaged in teaching school in the county for several years and found that the confinement of the schoolroom was beginning to injure my health. I went to look for some productive industry that I might engage in to make a living. I took a look through a portion of the mountains that has since become a part of the Sequoia Park and found some land there that I thought would be a good summer range for cattle, and when this land was surveyed——

Senator KYLE (interrupting). When was that? State the year.

The WITNESS. I think it was in 1873; I am not certain.

By the CHAIRMAN:

Q. Of what lands are you now speaking?—A. It is one portion. There are 200 acres of school lands in the park (State lands) that I have reference to at present.

The CHAIRMAN. I don't know that we care much about that.

By Senator KYLE:

Q. Were you dispossessed of your State lands?—A. I have been deprived of use of them.

By the CHAIRMAN:

Q. You took those lands up under the State laws?—A. Yes, sir; received a certificate of purchase in 1886.

Q. The State of California?—A. Yes, sir; in 1884 was the time.

Q. That was one-thirty-second or one-sixteenth of what section?—A. I believe it is section 36. I looked for my certificate of purchase, but have left my valise that contained it in Visalia and failed to get it. I did not know of your meeting until Sunday—that is, a day or two prior to my coming to the station. Section 36 is right, I think.

By Senator KYLE:

Q. In what township and range?—A. In township 16 and range 30 east; and then in addition to that 7 "fortieths" of swamp and overflowed lands.

By the CHAIRMAN:

Q. That is State land?—A. Yes, sir.

By Senator KYLE:

Q. That corresponds to the first tract of this [handing witness a document containing sections and townships in said vicinity]?—A. Well, it is not all in the same township and range. I could furnish you those numbers definitely.

Senator KYLE. We can get at them.

Q. Now, what we would like to ask you if you got your lands under the State laws?—A. Yes, sir.

Q. Certainly the Government had no right to set that apart as a national park?

The WITNESS. Yes, sir.

Q. State if you were dispossessed of your rights by the act of October 1, 1890.—A. Yes, sir.

By the CHAIRMAN:

Q. We understand that you had about 200 acres of that school land and got your title from the State?—A. Yes, sir; that is it.

By Senator KYLE:

Q. Within the present limits of the Sequoia Park?—A. Yes, sir.

The CHAIRMAN. Now state the balance.

The WITNESS (continuing). Then, in order to show you how this affects me, I secured some lands from beyond; that is, not in the park—one-fourth of section is right against the edge of the park—I secured a preemption claim and later a homestead, after my preemption was proved.

Q. Within the park?—A. No, below the park. What I was going to state—how this affects myself—the timber claim that is right adjoining the park. In July, 1890, I started to take my cattle to my land, as I had been doing ever since 1884—paying taxes on this land——

Senator KYLE (interrupting). From the timber claim up in the park?

A. From my other place on the edge of the park.

The CHAIRMAN. That was within sight of the park?

A. Yes, sir; I started to take them to my lands in the park, and a portion beyond the park also. I asked Captain Dorst, the acting superintendent of the park, for permission to take my cattle through to my lands. He told me that he thought there would be no objection. I gathered them and started with them, and after driving them the second day to within a mile and a half of the east edge of the park and on my way through—going entirely beyond the park to the portion of lands I had beyond the park—he sent a detail of men and stopped me and ordered me to drive them back. I told him that I would not do it. I told the officer in charge (he was not with them himself)—I told him that that was a county road; that that road was built a number of years ago (long before there was any park created) by a company that had a charter for the right of way; that it was built at a cost of $75,000, and was used for a number of years as a "toll road;" that I, as a citizen, had paid tolls on that road; that later the county bought this road—the supervisors of our county bought it of the toll company—and I, as a taxpayer, helped to pay for that road, and as a taxpayer I had helped keep the road in repair ever since, and that I would not drive my cattle back. They told me that they could have me arrested and sent to Los Angeles. I told them to arrest and be d——d; that I had a right to drive those cattle up and down that mountain road all summer if I saw fit. The detail of men took forcible possession of my cattle, notwithstanding my protest, and drive them back, rushed them down the mountains, scattered them, and I never saw all of them again. Later the captain told me that I might gather up my cattle and take them to the land that I owned beyond the park. I gathered as many of them as I could and took them to that land. It was very expensive and very aggravating.

Q. You say subsequently. How long after it?—A. Just a few days it was.

By Senator KYLE:

Q. Can you assign a reason why he sent a detachment of troops?—A. He claimed that he had received different instructions. I have a copy of his statement, I think. I asked him to write a statement in regard to what he had done. I told him that it might save him from going into the courts to tell it. If you would like to read it I would present

it. He said that he was acting under instructions from the Interior Department. That was what he told me. Well, now, we might pass over that. You will notice that I sustained a loss by having my cattle driven and abused and some of them lost, which I have never seen.

By the CHAIRMAN:

Q. How many did you lose?—A. I am out at least forty head. Probably not all of them lost at that one time—a portion at that time and others later. Within this year, this present summer, he permitted me to drive my cattle about this county road, that no one had a right to interfere with, according to my idea, under the law and justice; but through his tender mercies I was allowed to drive my cattle up this Mineral King road, that is owned and repaired by our county, they having a deed to it from the company that constructed it.

By Senator KYLE:

Q. Did the company construct this upon public land?—A. Yes, sir. A greater part of it was——

Q. So that the road is really owned by the United States?—A. I think that, according to an act of Congress, the United States has granted counties the privilege of constructing roads over their lands, have they not? And this county has secured the right of way—I am glad you mentioned it, because that is my understanding; yet, I am not a lawyer at all—but I take my cattle to those portions of my land beyond the park, and we put two men between them and the park to herd them and to keep them off of it (the park). Notwithstanding that, we had something like 500 acres of land within the park that we were forbidden to use any portion of, as it was not fenced. We tried to keep our cattle out of it the best we could. A few would work around toward their old range, you know, where they had been accustomed to running, and it mattered not whether they got onto our own lands in the park or onto lands that I did not own, they seized them and ran them off—nowise tenderly, either. In some instances they ran them 8 or 10 miles outside of the park, in order to get to a place that they could cross the river—at a place where they could drive them to a very inaccessible place in the——

The CHAIRMAN (interrupting). In other words, they were to drive them to a place where they could not get back into the park?

A. That is it. And in one instance they drove those cattle down this Mineral Kind road until they fagged them out. Mr. Baker, here, is a surveyor. I suppose he knows where the west boundary of the park is—Cold Spring——

Mr. BAKER (to witness). Yes, sir.

The WITNESS (addressing Mr. Baker). Do you know how far that is?

Mr. BAKER. Six or eight miles.

The WITNESS. Then, they carried them across this timber claim that I told you of in order to get them back into the park again, so as to drive them north of the Middle Fork Canyon and into the Giant Forests and across the middle fork of the Mariposa and down over the bluff, you might call it (the soldiers said they slid them down), and lamed them so that it was impossible for them to keep up. At that place they would have to work down toward the mouth of the canyon of what is called Shell Mountain.

By Senator KYLE:

Q. Did you lose any cattle?—A. I am, at least, 40 head of cattle out, in all—some this time and some before.

By the CHAIRMAN:

Q. You are out this amount of cattle by reason of the operation of the soldiers?—A. Yes, sir; and they were not satisfied with taking my cattle, but I had my pack animals on a piece of this school land, I think it was, that I have spoken of, that is right on the edge of the park——

Q. You believe it was on your own land?—A. Yes, sir; I know it was. They took those pack animals there and ran them off to this same country. I have just sent a man before I started down here—well, I sent two men and a guide—the guide I had to pay $3.50 a day and sent two other men with pack animals to go and get these pack animals and try and hunt up what cattle we were out—see if they could find any of them.

By Senator KYLE:

Q. And do you believe Captain Dorst's men had instructions from the Interior Department?—A. He said so; that he was allowed some discretion in regard to the method. He said he was instructed to take any method that would be effectual in keeping them off entirely.

Q. Do you believe that grazing of your stock does any damage to the park?—A. I know it don't; don't know about sheep; never have run sheep, but I can show anybody that will go there on to the range, in places where there have been fires before he bought the land you will find as fine a growth of young mountain trees as ever was seen. I can show you young redwoods from 2 or 3 inches high up to a considerable height. They are growing on there notwithstanding the cattle; that was, before the cattle was excluded from there. A good many of those have started since 1884, when I commenced using this as a range. I can assure you that there has not been a fire in there since—since that year.

By the CHAIRMAN:

Q. To what do you attribute that?—A. I attribute it to the careful supervision that we have taken to prevent fires, and to the stock running through and keeping down a little of the vegetation, making some trails here and there in the dryer part of the season—they will make trails there, thereby stopping a little fire that is running in the grasses after the grass gets dry—and that way, with the care that we have taken, there has been no damage whatever by fires.

By Senator KYLE:

Q. There is no land that you own inside of this Sequoia Park that you obtained from the United States?—A. No, sir.

Q. How many settlers, to your knowledge, have resided in the park—taking up claims there, either by filing or preemption entries?—A. There are—let me see—at least, six or eight yet. There is one old gentleman that asked me to make a statement of his case; he had sprained one of his knees, so that he——

Senator KYLE (interrupting). Before you go any further, you say that of your knowledge there are not more than six or eight settlers that are dispossessed of their lands?

A. I mean who live permanently there now; yes, sir.

Q. They had proved up on their lands by 1890.—A. No, not all; some of them were not allowed to prove up.

Q. Well, how many, either by filing or preemption entry, have gone to Sequoia Park for the purpose of making homes?—A. Including members of the Keweah colony, I could not tell; there are a number

outside; I know six or eight that have settled in there—the lower edges of the park—to make homes. Now, this portion of the land that I was speaking of, in an ordinary winter there is some portions that snow is 6 feet deep. My cabin, the first year that it was built—my cabin where I came to and looked for my cattle in the summer—I did not live there summer and winter; I just stayed there in the summer because there would be months that I could not get out of there; not in the lower parts, but in the upper parts. There are places in the lower parts you can get out at any time of the year. The first year my cabin was built there was just a small portion or cone of the roof that was out of the snow; there was a gentleman who stayed back in there to complete some work, and after the snow fell he had a hard time getting out of the cabin.

Q. Now, in regard to this man who asked you to represent his case, just state, in a few words, how he settled there, and his name, etc.—A. His name is Daniel Hiten, and his land is the southwest quarter of section 8, township 17, range 30 east. He offered to make final payment December, 1887.

Q. When did he file?—A. June 12, 1885.

Q. June 12, 1885—about four months, nearly five months, before the order of the Secretary was sent out?—A. Yes, sir. It was refused, and the land was withdrawn from settlement, and he lived on this land, and it was again opened for filing, and he changed his entry then to a homestead and offered final proof and paid his fees in January, 1891.

Q. Paid his final homestead fees in January, 1891?—A. Yes, sir.

Q. And was it accepted?—A. No; they told him that he could not get a patent to his land at present, as it was in the National Park.

Q. Has he continued to reside there since?—A. Yes, sir.

Q. On the same land?—A. He has been residing on that and cultivating portions of it.

Q. Soldiers have not interfered with his cultivation of it, have they?—A. I think they prevented him from making any road in it, and all the vegetables he raises on it he can't get out to market them. They have refused him the privilege of constructing a road because a little would go through the edge of the land that is covered with brush not belonging to any person—park or anybody else.

Q. And does he live in anticipation of getting a patent from the Government for that land?—A. He expects to, because he intends, as long as he lives, to stay on the land until they put him off.

Q. How much land has he?—A. One hundred and sixty acres. He filed a timber claim to another quarter section.

Q. Under act of 1878?—Yes, sir; I guess so. That is the act that allows citizens to buy timber lands as such.

Senator KYLE. Yes, sir.

The WITNESS. Yes, sir; and that was withdrawn.

Q. When did he file on that?—A. I don't know that I can give you the date, but it was after the land had once been withdrawn from the market and put back on it again.

Q. Does he state as to how much he lost by this?—A. He considers that he has lost the privilege of securing one or two quarter sections of land in addition to what is now his homestead, and that he has been hindered from securing the title to his homestead and from making the road into that.

Q. And you say that the man owned, under the act of 1878, by permanent entry or filing, a quarter section; that he is not permitted by

the Interior Department to make a road into that?—A. He got Captain Dorst, the acting superintendent of the park, to write to Secretary Noble for permission to construct a road into that, and Secretary Noble ignored that question—never answered it; and the captain told him that he could not permit him to construct it.

Q. He certainly goes in and out now by team?—A. No, sir; he don't. He can not get through by team. He simply has to pack his things in on horseback, over a road trail that we struck.

Q. You say the Secretary of the Interior did ignore the question and did not give permission?—A. He did; just the same as he ignored about every question I asked him in regard to going into my range with my stock.

Q. Because by the act of 1890 there is an exception made in this way:

Provided, That nothing in this act shall be construed as in anywise affecting in any way settlers under any laws of the United States prior to the passage of this act.

That is, any man who owns a quarter section could hold that land——

The WITNESS (interrupting). His special agent did not seem to have informed him that there was another county road running directly through the park, and when Captain Dorst informed him of that fact, he said what a pity it was that there was any road into the park at all.

The CHAIRMAN. How much has he been damaged in dollars and cents?

A. He thinks that he has been damaged two or three thousand dollars.

Q. Well, now, come back to your case.—A. I don't think that $1,000 would make me whole in regard to the damage my stock has sustained. Besides, I have been kept out of the use of not only the lands that are in the park—something near 500 acres——

Senator KYLE (interrupting). You hold a title to that land in the park in fee simple from the State?

A. Yes, sir.

Q. And you are not permitted to use it?—A. No, sir; can not travel to or from it with my stock; they have taken forcible possession of the stock, etc.; some of them cost me considerable money.

Q. How long have you been kept out of the use of the farm for which you paid in the park?—A. Two years; and I don't think that $1,000 would make me whole in regard to the damage.

By the CHAIRMAN:

Q. What are they worth—$20 a head?—A. Yes, sir; I paid $20 a head for 45 head several years ago, when they were cheap——

Q. Higher now?—A. No; hardly as high. I have a pretty good grade of cattle, and I think they are worth $20 a head at least.

By Senator KYLE:

Q. Your damage then, all told, is about $1,000 and stock?—A. I think it is fully that, and have been deprived not only of the use of all that land that is within the park, but he also forbid me using that that is adjoining the park without putting a line between it and the park.

Q. So they won't go into the park?—A. Yes, sir.

Q. And the Government won't fence them off of it?—A. No, they won't do anything of the kind. The settlers in county all through the mountains here have met and agreed to allow stock to run at large in places and to fence the portions we cultivated, and every man who has

land in the mountains is willing to carry this into effect, but under this ruling they say they won't grant any privileges of local government accorded to them—under which they take our right away from us.

By the CHAIRMAN:

Q. So far as the park is concerned?—A. Yes, sir.

Q. You are pretty well conversant with this reservation, aren't you?—A. I am.

Q. And have had the land several years?—A. Yes, sir.

Q. And you stated, if I understood you correctly, that there are six or eight settlers—that is, men who had gone there to make their homes within the park?—A. Yes, sir; I think there are about that.

Q. Do you think there might be ten?—A. Well, I could not say,

Q. In the whole park?—A. The portions that I am familiar with.

Q. What townships?—A. I think my timber land is section 27 or 28.

By SENATOR KYLE:

Q. Besides the Keweah colony there are not very many settlers?—A. No, there are not—let me see—Hiten is one; he lives almost due east from me; then there is another by the name of Griffin; he has a homestead, and then there is a lady, by the name of Miss Edgly; there is a gentlemen by the name of Ridell, and there is another one up there—can't think of the name—I think, that would make five in all—right along, pretty nearly due east.

Q. Mr. Redstone doesn't live a great distance from you?—A. No, sir. Then Mr. Raveltern settled right on the land—right about the Middle Fork—he had a preemption, but they won't let him prove it up.

By the CHAIRMAN:

Q. Did these families locate homesteads where people go to stay, or are they the summer residents?—A. No; those have settled there for homes.

By Senator KYLE:

Q. And, you say, the lands are settled for permanent homes?—A. Yes, sir; down at the lower edge of the park—not high altitude—this Mr. G. has planted out over 1,000 apple trees last year and had them growing nicely; he has clear land.

By the CHAIRMAN:

Q. Can you tell me the altitude generally where these settlers are—these homesteads?—A. It varies considerable in a short distance, but, let me see, by Mr. G.'s——

The CHAIRMAN (interrupting). Do they have much snow there in the winters?

A. No; not much at that place; some years 6 or 8 inches or more—that is, on the south and west slope.

By Senator KYLE:

Q. Which direction does the Colony road traverse the park?—A. East and west.

By the CHAIRMAN:

Q. About the surface of that country there—what portion of this land is capable of cultivation?—A. Only a small portion.

Q. What proportion would you think; I mean that can be cultivated?—A. I don't know that it would average one-twentieth; I think it doubtful whether it would, but here and there a pretty good-sized orchard; but on an average it would run very small. Most of those lands are

better adapted for grazing. This is at an altitude of something over 3,000 feet where that orchard is. It is right at the lower end of the pine belt; that will give you an idea in regard to this altitude—probably between two and three thousand feet or a little over 3,000 feet; not much more.

TESTIMONY OF P. Y. BAKER.

P. Y. BAKER, sworn and examined.

By the CHAIRMAN:

Q. Where do you reside, Mr. Baker?—A. Formerly in Traver, Tulare County. I represent fifty-three owners of land within the Yosemite.

Q. How long have you lived in this part of the country?—A. Seventeen or eighteen years.

Q. Pretty generally well acquainted there?—A. Yes, sir; I use to follow the business of Government surveying, but have not followed it for a number of years now. Neighbors and friends of mine whom I represent—I might write you a list of them if you desire to have it, it is all public—there are fifty-three of them represented.[1]

Q. This is in relation to the Yosemite Park?—A. Yes, sir; all of them. Each had 160 acres or quarter section, or in the aggregate 8,480 acres—that is, within the Yosemite Park. It lies in townships 1 and 2 north and 1 and 2 south; ranges 19 and 20 east.

Q. Timber lands?—A. Timber lands. They desire to either get it out of the National Park or have the Government purchase it from them—some disposition made of it. They have to pay taxes on it, and they are a good deal like Mr. Dean, they won't let them build a road in it where they have to go across the Government Park and get to any part of these lands.

Q. Have they refused to let them do it?—A. Yes, sir. I know of no particular instance. The Captain says they can not build any roads.

By Senator KYLE:

Q. How do they go in and out of there?—A. Go in on trails.

By the CHAIRMAN:

Q. And log out timber?—A. They won't let them run sheep in there——

Q. In other words, they have not the use of their lands?—A. The only benefit is the paying of taxes.

By Senator KYLE:

Q. How long have they been deprived?—A. Two years.

Q. Owners of the land, how long?—A. About four years.

By the CHAIRMAN:

Q. That is, they got the patents two years before the reservation?—A. Not all—those that proved up.

Q. Are all these patented?—A. Yes, sir. In conversation with Mr. McKenzie of the United States land office at Stockton, in which he informed us that there was about 60,000 acres patented within the park west of the east line of the range 20—and some of it had been patented as high as thirty years. What we are interested in is to get all of that part of the park thrown open to the public west of the east line of range 20, townships 1 and 2 north, and 1 and 2 south of Mount

[1] See Exhibit (Baker) A.

Diablo base line, and ranges 19 and 20 east. All of that land that is of any value at all was patented before it was made a park—except the portion that is of no value.

Q. Do I understand you to say that Yosemite Park has timber—that all of the best timber was patented before the reservation?—A. Yes, sir; west of the east line of range 20.

By Senator KYLE:

Q. And you want all thrown out west of east line of range 20?—A. Yes, sir; the Government won't allow us to build roads in there for the purpose of taking lumber out, because we are obliged to build across the reservation. These pieces are the most valuable in the reservation.

By the CHAIRMAN:

Q. Valuable for timber?—A. Valuable for timber.

Q. And the Goverment won't permit the roads to be built for egress and ingress, and therefore they can not use the property?—A. That is it. Now, speaking for the people I represent, they had regular patents taken out of the reservation——

Q. Is there anything further that you wish to state?—A. I believe that is all.

TESTIMONY OF BENJAMIN F. RAWSON.

BENJAMIN F. RAWSON, sworn and examined.

By the CHAIRMAN:

Q. Have you been up through this country, Mr. Rawson?—A. Yes, sir; its lower part. I live within about 5 miles of the Sequoia Park.

Q. How much do you know about it?—A. Township 4—this little corner [pointing to a map]? I know it to be well timbered with splendid timber.

Q. Do you understand the best of the timber, pretty generally, has been disposed of?—A. Yes, sir.

Q. To private individuals?—A. Yes, sir; to private individuals.

Q. Do you know of any instance where persons have been prevented from building roads into their lands, etc.?—A. No, I do not. I have been away two or three years. Have not been there since 1887.

TESTIMONY OF ALFRED ASHBROOK.

ALFRED ASHBROOK, sworn and examined.

By Senator KYLE:

Q. Mr. Ashbrook, please state when you settled here; where you live now (present residence), and when you went within the borders of Sequoia Park?—A. I think it was in 1886—there were five or six of us.

Q. Where are you living now?—A. In Fresno.

By the CHAIRMAN:

Q. How long have you lived in this county?—A. Lived in this county eighteen years.

Q. When did you go up there?—A. 1886.

Q. For what purpose?—A. For mines.

By Senator KYLE:

Q. You did not go until 1886?—A. I went there, but it was before we ever heard anything of the park—about any reservation made there—and we were there three years; that is, in summer seasons.

By the CHAIRMAN:

Q. Now, it would be important for you in this matter to locate the time. If you went there after the reservation you would not come within the scope of the examination; think before you speak.—A. We have got our mines recorded here in Fresno.

Q. Could you tell what date?—A. No, sir; I have not been to the records to see that.

The CHAIRMAN. If you went there after the reservation it would be beyond anything we have control over.

Senator KYLE. The order was issued December 2, 1885, withdrawing the lands from settlement.

The WITNESS. This is in the northeast part of this valley.

By the CHAIRMAN:

Q. You went in there and found a mine?—A. We took up a number of mines; located them and did the work on them, and then went up next summer and the following summers for three years.

Q. And you have been working them under the mining laws and hold them?—A. Yes, sir.

Q. And you have not spent enough to acquire title?—A. No, sir; not yet. We supposed we would have to do five years; we thought we would have to make them pay $100 a year for five years; we started in that way and kept it up.

Q. Well, would they not let you go in and work this year?—A. Did not try.

Q. Have they ever prevented you from working?—A. Not me, but other parties; so we concluded it was not worth while, because they had forbid others going—thought it best not to go. Wrote Secretary of the Land Office and he did not answer us in time enough to go in there; the season had closed. Another person said we could not go in, and we did not go in and kind of disorganized; we have not tried any time since.

Q. You don't know what it is worth?—A. Well, no; could not tell; we were in hopes it was worth a good deal.

Q. Well, then, you practically abandoned it and other people have taken it?—A. Well, yes; that was the cause of it; we waited to hear from them and then we got kind of disorganized.

By Senator KYLE:

Q. You spent some money and time. Some damages due you?—A. Yes, sir; I think so.

Q. What do you estimate as your loss?—A. Well, I never have made any estimate of it——

By the CHAIRMAN:

Q. How much time did you spend?—A. First time, two and a half months; and we had a lot of mules with us.

Q. How many men?—A. Let me see—five of us.

Q. Five of you?—A. Five of us—and same number went in the next year.

Q. And then the year after?—A. My sons went in two years; first one of them and then the other.

Q. What is the nature of this claim—gold claim?—A. Both. We got out $42 in gold and $16 in silver—tested and assayed.

Q. How many seasons were you in there?—A. Three.

Q. You aimed to work out $100 each season?—A. Yes, sir.

Q. Well, if there were five of you and two and a half months, did not you put in more than $100?—A. Each one on his own hook.

Q. Worked just enough to keep your claim?—A. Yes, sir.
Q. That would make about $100 a year?—A. Yes, sir.
Q. Three years?—A. Yes, sir.

TESTIMONY OF A. E. REDSTONE.

A. E. REDSTONE, sworn and examined.

By the CHAIRMAN:

Q. How long have you been in California?—A. I came first in 1854.

Q. How long were you living down here?—A. About three years in Tulare.

Q. How long have you lived in San Francisco, Oakland, and in that vicinity?—A. Since 1867.

Q. Living there now?—A. Yes, sir; live there now. Well, I went down there and entered a piece of land—160 acres.

Q. When?—A. Three years ago—three years and one month ago. I split rails, built house and barn, set out a strawberry patch, planted out trees and vines, raised barley, wheat, and all kinds of vegetables.

Q. How much barley?—A. Generally had 12 acres; enough to make hay and feed my stock; possibly the same number of acres in wheat for hay. I had there about 2 head of mules, 6 head of horses, and about 8 head of cattle; they are all gone.

Q. Were you prevented going to and from your place?—A. No; there have been roads built there——

Q. (Interrupting.) Did they allow you to use the roads?—A. It is not that we were prevented in going to and coming from our possessions at all, but the fact that no other person could come there to make civilization agreeable, so that we could avail ourselves of a post-office, schools, or of society, but to be shut in like Indians, we were not going to stand it. We came out; I brought my family out. I have been expending what I made there all the time until now, after two years hard work—such as no man ever did before—with the idea of getting a home——

Senator KYLE (interrupting). You filed a homestead?

A. I filed a preemption; should have turned it into a homestead; went down next week—when I went down. They held a convention—the three counties, Fresno, Tulare, and Kern—and they requested me to go to Washington City and protest against these reservations. I saw the President and he said he could not do anything as the matter was all referred to the Interior Department. I went to the Interior Department and there I found the proceedings of this convention that I filed with President Harrison with my personal letter that I had written him. After I came away from the Department, getting no satisfaction there, I went to see Senator Stanford and asked him if he would introduce that bill I drew up. He said, with pleasure, bring it down to the Senate, and one minute after sending it in it was introduced. Then I went to the House and saw Mr. White, of Iowa, and asked him to introduce it, and he did so in the House, and went before the Committee on Public Lands, as in the Senate. I went before both committees, and it was my impression from what Mr. Dolph and Mr. McRea, of the House (who seemed very warmly interested), said that we would have the bill reported back favorably, but it was never done. You know what the general statement was, no chance for any legitimate legislation anyway, and then I spoke to Mr. Felton about this resolution, and he knows the rest.

Q. Did you ever attempt to prove up your claim on preemption?—A. No; I had not expended the limit.

Q. Three years?—A. No.

Q. About what time did you file?—A. I filed about three years and one month ago.

Q. And you learned last spring for the first time that you were dispossessed?—A. Yes, sir. I was going to make a homestead. The longer I lived there the better I liked it, and my family liked it. I was willing to work hard to please my family.

Q. How many settlers had gone there, in what you call the Sequoia Park Reservation, with the same intention as yourself?—A. I don't know that it was the Sequoia Park Reservation. I know that I had men adjoining me on every side clear down to what is known as ——— Range.

Q. Outside of the Keweah settlers, in your estimate, how many were there?—A. Fifteen hundred within this reservation.

By the CHAIRMAN:

Q. Within this reservation?—A. Within this reservation I am speaking of.

By Senator KYLE:

Q. To what extent do you think that you are damaged, Mr. Redstone? Put it in round numbers.—A. Work and expenses and all that—it is a matter easily got at; the amount that I am damaged can not be got at. I have been to an expense—my labor and improvements—over $2,000 or $2,500.

TESTIMONY OF EZEKIEL E. CALHOUN.

EZEKIEL E. CALHOUN, sworn and examined.

By the CHAIRMAN:

Q. Judge, will you please state the general condition of the land, beginning at the Yosemite National Park, and run down?—A. Well, from the Yosemite to the northern line of Fresno County those lands are only valuable for the timber that grows on them and minerals that are in the land. From the northern line of Fresno County to the northern line of Kern County they are only valuable for the timber—pine timbers, fir—that grow on them, and the minerals. There is little mineral land in that part of it, except here in our county. From the northern line of Tulare County to the southern line of Kern County they are only valuable for the timber that grows on them—the fir, pine, and redwood timber—and the minerals that are in them. There are no agricultural lands anywhere.

By Senator KYLE:

Q. How about stock-raising industry?—A. The entire district described is only valuable for a few months in the years for sheep grazing.

Q. And now, on a general principle, down through the mountains, tell us about their adaptability to stock raising?—A. Well, it is all adapted to stock raising. Lyons Valley proper is a rolling basin. I went through the first one with a cart, and about 3 miles below there is what we call Floods, and that is much larger than Lyons Valley, as far as level land is concerned, and that valley (Flood) is about a mile by one-half a mile wide. A trail goes right across it. No pine timber

whatever. From Lyons Valley down to the valley below on Posa Creek there is not a single pine tree growing, except bull pines; the whole pine region is above. There is no pines west of Lyons Valley, but east of there there is a very fine body of pine over on Kern River.

By the CHAIRMAN:

Q. What is the general character of the land below there; is it alluvial bottom?—A. It is a rapid decline down to the valley (Fresno), and deep gulches cutting through, and hilly; not available for cultivation at all.

Q. Not for grazing purposes?—A. Well, it is just moderate grazing land.

Q. It will take several acres to keep a head of stock?—A. Yes, sir; five acres to keep one head of stock.

By Senator KYLE:

Q. Well, how is the Sequoia Park proper?—A. Well, it is not grazing land at all. When you talk of that—there is where I built the first mill used in the San Joaquin, in 1856. There is a valley east of Sequoia and about 5 miles, very similar, that is good grazing land, and from there south down to Kern all good grazing land; 7 miles east of Sequoia south down to Kern all good grazing land.

Q. Were you through there off and on when the Keweah colony was there?—A. Yes, sir; time and again, all over mountains.

Q. Did they have settlements around in quarter sections of land?—A. Well, not agricultural lands—no agricultural lands at all—all timber lands, not fit for anything else except timber; valuable for timber—fine body of timber—but no agricultural lands at all. The slopes are too great—too precipitous; they can find little places where the streams flow down that they could raise vegetables enough to probably support a good many people.

Q. During the summer is there a place to run stock on?—A. Of course, up in the timber—no doubt about it—a good range.

By the CHAIRMAN:

Q. Not very good agricultural land?—A. No, sir; it is not agricultural land.

By Senator KYLE:

Q. Nor pasturage lands?—A. No, sir; I do not consider it pasturage lands; it is too precipitous. In 1858 I traveled all through there.

Q. Do you know anything about that road they built up there?—A. No, sir. I have never been there since they built that road, although I know where it is built, but never been over it.

By the CHAIRMAN:

Q. So, of course you don't know what the road would cost?—A. No, sir; although I have some idea what the road would cost. It would cost a good deal. I had a mule that stumbled down there and I lost him. It would be very expensive to build a road up there; that is, on the north side of the Keweah. There is a plateau of land between Kern River. I would take my stock there in the dry season of '64. There is no agricultural land from Lyons Valley to Kern River—north of there.

Q. How far from White River?—A. Right at the head of White River; and from there north for 30 miles there is one of the finest bodies of timber that there is in the Sierras.

By Senator KYLE:

Q. What is the proportion of this pasturage land or arable land to the whole block of land?—A. From the Yosemite down to Tohatchee—where you will find as fine a body of arable land as there is in the world—and north of that from there to the Yosemite there is not more than one acre in a thousand; that is a fact; I lived just 35 miles north of there on Kern River, and there is just a little place over there—and they are valuable when you find them—that is true; but it is timber land and nothing else when you get up to the pine line.

By the CHAIRMAN:

Q. There is a great deal of oak openings?

The WITNESS. Where?

Q. I say there is quite a lot of small oaks, live oaks, and other oaks that skirt the foothills.—A. That is it, and really no agricultural lands. We have oak timber, and they are cutting it and bringing it down and selling it. My neighbors are doing it, and that is all the way they can make a living, that is a fact. I, only a few days ago, went out to see one of my friends, and there he was cutting those logs up to bring them down to sell them in Fresno for $6 a cord. Now, as far as the Keweah colony, the slope of the lands south, going right into the canyon, is very precipitous, and it is impossible for a man to make a farm on it. I have traveled over there—every foot of it. I spent three days getting away to go down in 1858. It is an extensive body of pine, but not agricultural land at all. I am a farmer myself, and I tell you it is not agricultural land—not a foot of it.

By Senator KYLE:

Q. Now, what is your general impression as to the preservation of this timber land?—A. Well, I think, this: I don't think that any effort on the part of the Government to prevent persons from taking timber off will be of any value to the Government of the people. The valley down below needs the timber, and where we got the first timber for our mills there are two trees now where there was one then, and the idea of denuding the mountains up there is simply nonsense—you can not do it. You can not get the trees away. There are now good timber trees there, just as many as there was before, and I think that the idea of denuding the mountains by cutting the timber off is all nonsense. I don't think there is anything in it at all. I think the timber will support itself—will stay there.

By the CHAIRMAN:

Q. Will it do that in the Sugar Pine country?—A. Yes, sir; it will do that in the Sugar Pine country. That is just where I located first in 1862. When you cut a tree down, others grow right up immediately; that is candidly my opinion, and my opinion is that you can not denude the pine region.

By Senator KYLE:

Q. Do they grow more rapidly there than they do in other sections of the country?—A. I can not tell you, but they grow very rapidly. I can show you good milling trees now that have grown since we cut the trees down and lumbered it.

By the CHAIRMAN:

Q. How many years ago?—A. Those trees—1856—possibly in 1857.

Q. How large trees in diameter?—A. Well, from 3 feet to 40 inches.

Q. What is the size of the second growth?—A. Where?

Q. What is the size of the second growth of those trees?—A. I know nothing about the second growth. They came right from the ground.

Q. Well, what there is coming from the ground.—A. Three feet in diameter.

By Senator KYLE:

Q. Three feet? Grown since when?—A. Since 1856. Yes, sir; and two trees grown where there was one then.

By the CHAIRMAN:

Q. Have you ever seen a very close growth of this young pine?—A. Well, that is just what I was talking about. Where we cut the trees off the trees grow up again.

Q. Have you ever paid any close attention to see what proportion die out, of this young growth?—A. I never found any dying out unless a fire ran through. We looked at the trees that we cut there in 1856 and we never found a tree that was over seventy or eighty years old—that is the way it looked then—then the big trees were seven or eight thousand years old.

By Senator KYLE:

Q. What is your opinion as to the withdrawal of this whole tract of land from Yosemite south from public settlement?—A. Well, if it was withdrawn upon the condition that all persons who made homes in the valley contiguous could take timber sufficient to build houses and fence their farms it would be all right. I don't believe it is right (and it never should be done either) to allow persons to build mills up here, take lumber here out of the country—except to improve the public lands adjacent—I think that would be wrong; but I think the proper thing is to allow every man who has 40 or 160 acres of land in this valley to go into the mountains and take all the lumber necessary to build houses and fences; and I think that is the interest of the Government—because those lands are not agricultural lands, and when a man settles on agricultural lands, he ought certainly to have the right to take timber from contiguous lands to improve his place—that is my idea and has been for the last twenty-five or thirty years.

If you come down here and locate a piece of land, how are you going to improve it without you cut timber to build a house and fence, and without that you can't do it. I believe that the Government ought to give me the same right to take land from the pine region and some of these mountains to improve my place in the valley that I have in the oak belt. I see no difference in it at all.

Q. Is there not a large quantity of timber land here already sold—title to it?—A. There is, sir; but not sold in California, but sold to men outside—some to men in Michigan, and now they are talking about building a railroad to that old timber.

By Senator KYLE:

Q. Would it not be a good idea to include that in the National Park?—A. Well, you can do it if you want; but the citizens settling in this vicinity should be allowed to take all the timber they want off the Sierras, etc., to build their houses, etc.

By the CHAIRMAN:

Q. Suppose they want to take some timber to sell it—should they have the same right?—A. Sell it to whom?

Q. To anybody.—A. Why certainly; anybody in the valley.

Q. Then you don't believe in the Government selling its timber land?—A. No, sir; I do not. I think it ought to be reserved for the benefit of the settlers.

Q. Give it away?—A. No, sir; but for the benefit of the settlers contiguous to it; it ought not to be shipped out of the country; it ought to be reserved to improve the public lands of the United States, and I think all the timber in these mountains here should be reserved for the benefit of the settlers contiguous; that is sincerely my opinion, and I think that is right too; they ought not to be allowed to send it out of the country, but to use it here. I am ready to take all the timber off land allowed me in order to improve my places and build my fences. Why should not a man who settles down here in the valley that is not settled be allowed to take lumber to build his house, barns, etc.?

The WITNESS (continuing). In handing you this exhibit as to my authority to appear for these colonists, dated September 30, 1892, I desire to say that in reference to my compensation it is stated there that I am to receive for my services the amount of my disbursements and a reasonable compensation. Powers of attorney have been given to me heretofore by individual members, in which it is recited that I was to receive one-third of the land or one-third of the indemnity. By subsequent arrangement that compensation has been commuted to all members of the colony for a reasonable compensation and my actual disbursements as stated in this resolution, and that there is no contract for my compensation with this colony or any interest in the proceedings other than what is stated in this resolution.

TESTIMONY OF FRANCES J. McCLARY.

FRANCES J. MCCLARY, sworn and examined.

By Senator KYLE:

Q. Where do you reside, Miss McClary?—A. In this city (Los Angeles).

Q. Were you, Miss McClary, a member of the Keweah Cooperative Colony?—A. I was.

Q. And settled with the colony at what time?—A. I came there in August, 1890.

Q. And what was your position as related to the colony?—A. I was Mr. Maruin's amanuensis—typewriter and stenographer.

Q. Were you present at the trial before the United States district court in the post-office cases, referred to by the preceding witness?—A. I was.

Q. What was your duty there?—A. To take a report of the proceedings—testimony and proceedings.

Q. You aver that the statement that I hold in my hand of said proceedings is correct?—A. I do.

Q. That the following extract of the report of the trial is correct?—A. Is correct.[1]

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[1] The extract of the report of proceedings referred to is the same as Exhibit No. — (offered in evidence by Mr. Dillon).

TESTIMONY OF JAMES J. MARTIN.

JAMES J. MARTIN, sworn and examined.

By Senator KYLE:

Q. Where do you reside, Mr. Martin?—A. In this city (Los Angeles).

Q. You may state, Mr. Martin, when you came to California; whether you are connected with the Keweah Colony referred to in this case; in what capacity you were connected; what was your relation to that colony, and make any further statement you may see fit in connection with the case.—A. I came to California in 1880, and was one of the organizers of the colony. I was elected secretary of the colony at its first regular meeting and have held that position up to the present time. I am familiar with all of the details of the business of the colony, and have in addition to my position as secretary acted as general manager of the company (of its financial affairs). I was also one of the filers upon the timber land in October, 1885. I am fully cognizant that the filings were made in good faith—all of them—and that the work that was done upon the colony subsequently was done in full faith that the Government would issue patents or fulfill its obligation as required or as laid down in the land laws.

Q. May I ask what inducements were held out to you by the timber act of June 3, 1878?—A. Well, under that act it was provided that all who performed certain acts as laid down under the law and tender (after a certain amount of advertising had been done, within a stipulated time, or the advertising of the claim had been done)—that upon the tender of $2.50 per acre patents would be issued. It was upon this that we made application and tendered our money, which was refused on account of a telegram from the honorable Commissioner of the General Land Office, dated December 2, 1885. The register at the Visala land office refused to issue us a certificate of purchase, stating that he had received a letter also (this was a subsequent statement that he made) ordering that no further filings should be received upon certain townships in which our lands were situated. We immediately appealed from the decision, and those appeals were forwarded to Washington in due course, and there the matter lay until 1889. I should say that previous to that we made a record of our case in the county court of Tulare County. I have one of the records here—a copy of one—showing that we had done all that the law required in the matter, in addition to the sending of our appeals, and I offer the same in evidence. In 1889 Mr. B. F. Allen, timber inspector, made a report in which he went over the case very carefully——

Q. (Interrupting.) Before you state that—pending that appeal, you remained upon the lands, working upon your road and in other ways expecting that your rights would be sustained?—A. Certainly; we went right ahead with the work at once—had no idea at all. The telegram stated the reasons for withholding the land, or rather for suspending our entries, was that there were alleged frauds in the surveys, or inaccuracies in the surveys, or there was some question of fraud in the filings that had to be investigated. Mr. Allen made an investigation into these matters——

Q. (Interrupting.) At what time?—A. In 1889; and his report can be found (under letter "P") in the General Land Office at Washington. I would say that the promoters of the colony had every faith that there would be no obstacle at all, as we generally believed that the policy of the Government was to encourage settlement of the land, and particularly the wild, uncultivated lands. Hitherto the timber lands in the

Sierras had been worked by corporations that employed men just during the lumber season, paid them their wages and went off; they built no homes and left in many cases burnt tracts of land after cutting off the timber that was most convenient to their sawmills, and they removed the sawmills and left the country barren, and the men would drift off to other localities. Our idea was to go there, settle and build up homes and cultivate the growth of timber there. Our idea was, we believed that by having a large section of land like that we could grow, by careful cultivation, enough timber to supply our mills for all times.

Q. Your plan was to plant trees?—A. Our plan was to plant trees.

Q. Did you really plant trees?—A. We had some in the nursery, but the intervention on the part of the Government occurred and opposed us, and we did not reach the forest for some time; but that was the programme. When we first started in, of course, we had some 20 miles of road to build, and therefore we could not do much in the way of growing trees until our road was completed, and then (at the time our road was building) these obstructions commenced on part of the Government. But that was our plan.

Q. What was the nature of the report made by Special Agent B. F. Allen? State in your own words.—A. Mr. Allen, in company with myself and one or two other colonists, made a careful investigation of the forest and its resources; he saw the colonists at work, and in his report gave a very correct statement of things as they existed at the time he visited the colony. His report was favorable to the enterprise, and his recommendations were, in substance, as published in his letter of March 13, 1890.

Q. This report was made by Mr. Allen to whom?—A. To the Secretary of the Interior, I believe.

Q. And this was corroborated by the report of Mr. Groff, Commissioner of the General Land Office, in his report to the Secretary of the Interior?—A. Yes, sir; that is the same report that was referred to by the preceding witness.

Q. What was the action of the Department upon the report of Commissioner Groff?—A. Secretary Noble ruled adversely to Commissioner Groff's recommendations. I don't know exactly upon what grounds; I believe they are a matter of record. I know that he ruled adversely to Commissioner Groff's recommendations in the matter.

Q. How many colonists were there all told?

The WITNESS. All who joined the colony?

Senator KYLE. Yes, sir.

A. There were about six hundred altogether.

Q. Living where?—A. Various parts of the United States. Some of them had not come to the colony. The greater portion of them were patiently waiting until the condition of the colony was such that we could give them employment. We had contemplated putting up mills of various kinds. We already had a planing mill, a sawmill, and had negotiated for a woolen mill, which was awaiting shipment at the time of the interference on the part of the Government.

Q. The forty-three filers were present?—A. No; not all of them. It was not necessary, under the timber act, for the filers in the purchase of lands to be actual settlers. There were quite a number of actual settlers, but not all of them. The law required all homestead entries to be settlers.

Q. What was the nature of this land inside the so-called "Sequoia Park?"—A. It was very rugged and mountainous; most all of it was timber land—land covered with timber; some meadows, very fine meadows.

Q. Within the boundaries of the so-called "Sequoia Park," were there other settlers besides your own colony?—A. Yes; I believe a few.

Q. You don't know exactly how many?—A. I don't know how many.

Q. What was, in your estimation, the value of the tract—road built by the colony? Make a statement in regard to the road.

The WITNESS. Of the value of the road, do you mean?

Senator KYLE. Yes, sir.

A. I should say in the neighborhood of $150,000—about that.

Q. And now I will ask you the same question that I asked the preceding witness (Mr. Dillon). In case it was thought best by the Congress of the United States to indemnify these settlers for their loss, what, in your judgment, would be the damages?—A. I should think at least $300,000.

Q. These colonists became actual residents upon the land?—A. They were not actual residents upon the timber land; they became residents in the neighborhood. They were building a road to the timber land at that time, and some had gotten up there.

Q. Were there women and children, as well as men?—A. Yes, sir. We had schools—kindergarten schools—weekly paper, etc. I would like to say in this connection that I would like to introduce here a sworn statement of the supervisors of Tulare County, testifying to the character of our people.[1] It is an original document. This document was obtained from the supervisors at my request, and it sets forth concisely the facts in relation to our people and the treatment they had received (so far as they knew) at the hands of the Administration. It is more in the form of a protest than anything else, stating facts as known to them, and a protest against the way in which we had been treated as citizens of Tulare County.

Q. You say you prosecuted this work until 1889?—A. We prosecuted this work later than 1889. We were at work there until 1891.

Q. 1891?—A. Yes, sir. We had some setbacks, etc., but we expected that the matter would be adjusted and kept on working.

Q. And you did work until the act of October 1, 1890, was passed, setting aside those lands as a part of the National Park?—A. Yes, sir. We believed that those matters would be rectified. We had no idea but what we would be protected.

Q. Were you, then, stopped by force in procuring your lumber?—A. Well, when we found that we could not operate on our own land—cut lumber and build our homes at Keweah town site—some of the colonists made homes at what was afterwards known as Atwells Mills. While we were there we were molested by the troops. We were ordered to stop cutting timber there and we refused to do so, and there were proceedings taken (as ordered) by our attorney, Judge Dillon, and not until then were we allowed—until these proceedings, put by motion—were we allowed to proceed and cut timber. We were stopped at Atwells Mills on public lands. There is no doubt in my mind that it was a part of the scheme of the lumber companies there and was looked upon everywhere as such—the board of supervisors of Tulare County saw it in the same light—that it was a part of their scheme to stop us from working and to stamp out our cooperative industry there. There is no question in my mind regarding that matter at all. Of course I I don't mean to say that the officers of the Government there were cognizant of anything of the kind, but those are the facts, and it was simply a battle of influence; they having more influence than we poor people had, they could carry their point where we could not.

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[1] See Exhibit A (Martin).

Q. Were the United States soldiers sent there for the purpose of stopping you from cutting lumber?—A. Yes, sir.

Q. How many?—A. One time quite a number, eight or ten, onto patented land and land that we had leased, and we were ordered to stop cutting timber from that land.

Q. Was that order subsequently countermanded?—A. Yes, sir; some time later. As I said before, when we had put in motion this injunction for restraining the troops—so soon as we did that, the very moment that that was done—the troops were ordered withdrawn and that we should not be further molested.

Q. Do you know that there are settlements upon public lands within the so called Sequoia National Park?—A. I don't know whether there are any at the present time. I know that there were several at one time, and many of our own people had built their cabins there, some thirty or forty of them.

Q. Were any of these citizens, to your knowledge, prevented from going to and from their claims across the park by those soldiers?—A. Well, as far as our party was concerned, we were prevented from going anywhere near these cabins that we had built—we were prevented from doing anything, carrying on any operations; in fact, some of our people——

Q. I refer to public lands.—A. Yes, sir; I refer to public claims—the cabins that I speak of—I know that there are some public lands in the park reservation—to the east of them, and I know that the owners have been prevented from driving their cattle across the park to their grazing lands that they have on the other side. I know that.

Q. Is there a track, or road, through the park?—A. Simply trails.

Q. Was there not an old toll road, or county road, through the Sequoia Park?—A. Not through it. What is called the Mineral King road up to the park. It was on the Mineral King road that this Atwell mill was situated. It is the only road that I know of in the park except ours. Both of these roads simply touch the borders of the forest—they don't penetrate very far into the forests—either of these roads. Of course, the idea was that our road would go farther into the forest.

In addition to the timber lands there was quite a large body of land taken up in the colony that was not timber land, and upon which was carried on gardens and raising of different kinds of crops. There is an abundance of water there, and we had quite a large number of trees at one time set out, but when operations were commenced again a great many people lost heart and we did not work. There were thousands of trees lost from the fact that we had no encouragement to go on any further, but there was quite an area put out in fruit trees—not only peaches—10 or 20 or 30 acres at different places in the colony we cultivated for fruit culture. We had begun setting out trees; the idea was to cultivate all that land that was fit for cultivation. There are one or two quite fine orchards there now that have grown sufficiently strong to go ahead without much attention.

Q. Make a statement as to what you know as to the character of the Keweah colonists.—A. Judge Cross, of the superior court of Tulare County, in a recent case there, in the nature of a civil action brought before him, made the remark that he had been on the bench there for eleven years, and all the time that the colony was in operation that he had never seen a better sample of American law-abiding citizens than the colony. What had called forth that remark was that somebody in the court room in their testimony had accused the colonists of being anarchists, and in reply to that insinuation or reflection the judge

made those remarks: That he knew them well and that they had paid their debts, had gone along and behaved themselves as good citizens should. I know that those facts are true and correct, myself. I have been secretary to the colony since its inception, and I know that the bills of the colony have been paid and that the colonists themselves were very particular as to their behavior before the world. They knew that they were a little distinct from the others; that they had settled there upon a plan somewhat different than had been attempted, therefore they were very particular. In the paper they had a standing notice that no anarchists were wanted in the colony and hoped that none would apply for admittance, if anarchists, etc.

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55TH CONGRESS, 2d Session. } SENATE. { DOCUMENT No. 49.

KANSAS PACIFIC RAILROAD.

LETTER

FROM

THE ATTORNEY-GENERAL,

IN RESPONSE TO

RESOLUTION OF THE SENATE OF DECEMBER 9, 1897, RELATIVE TO THE PROPOSED SALE OF THE KANSAS PACIFIC RAILROAD.

JANUARY 6, 1898.—Referred to the Committee on Pacific Railroads and ordered to be printed.

DEPARTMENT OF JUSTICE,
Washington, D. C., January 5, 1898.

SIR: In response to the resolution of the Senate, No. 183, by which the Attorney-General is directed to send to the Senate a full statement of the authority for and the proceedings under which the sale of the Kansas Pacific Railroad is to be made, I have the honor to reply that the authority for the proceedings rests upon the rights of the first mortgagees and of the Government created by the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," passed July 1, 1862 (12 Stat., 489), and the amendment thereto, passed July 2, 1864 (13 Stat., 356), and the duty of the President and the Attorney-General under sections 4 and 5 of an act "authorizing an investigation of the books, accounts, and methods of railroads which have received aid from the United States, and for other purposes," passed March 3, 1887 (Supp. Rev. Stat., p. 557).

The proceedings were suits to foreclose the mortgages authorized or created by the acts of 1862 and 1864 brought in the United States circuit court in and for the district of Kansas, respectively, by the first mortgagees and by the Government.

The suit by the Government was brought by the direction of President Cleveland in a communication to the Attorney-General, and which has heretofore been submitted and appears in Senate Document 83, second session, Fifty-fourth Congress. The correspondence preceding the direction for suit is also contained in that document, and in addition I submit the letter of Hon. George Hoadly, special counsel to Gen. Louis Fitzgerald, dated January 14, 1897, and set out in the report of the Attorney-General for 1897, page VII. I attach a copy of the letter

for convenience; also Senate Document 83. I also attach copies of the decrees in the foreclosure suits. The pleadings have heretofore been submitted (Senate Document 10, first session, Fifty-fifth Congress).

Respectfully,

JOSEPH MCKENNA,
Attorney-General.

The PRESIDENT OF THE SENATE.

NEW YORK, *January 14, 1897.*

DEAR SIR: As you are probably aware, I have for more than two years past had charge, under the direction of the Attorney-General of the United States, as special assistant to him, of the interests of the United States in the matter of its issue of subsidy bonds and its lien securing the same upon the Union Pacific Railroad.

The defeat of the proposed funding bill by the House of Representatives renders it certain that the President, the Secretary of the Treasury, and the Attorney-General must look in some other direction for the protection of the interests of the United States.

After a careful consideration by the late and present Attorney-General and by myself, it was decided at an early stage in the history of the Pacific Railroad litigation that the Government should not appear in that cause until parties responsible and competent to act should appear who would enter into some definite arrangement for a bid upon the property (including the sinking fund) at such a rate as would afford reasonable protection to the interests of the United States and yet not prevent competition, which might result in larger offers.

It has been informally suggested that the committee of reorganization, of which you are chairman, are prepared to enter into engagements to make a bid on the sale of the Union Pacific and Kansas Pacific railways and of the sinking fund of the Union Pacific Railway of a sum which, without debarring the Government from accepting a higher bid at such sale, would afford some reasonable approximation to the value of the rights of the Government as a second mortgagee of the property if it should prove to be the highest and best bid.

I therefore solicit from you an early response, to be communicated by me to the executive department of the Government, as to whether your committee would be willing to fix a sum which they would be willing to bid at a sale if procured in foreclosure, and which would carry a perfect title to the property, barring the United States as well as the first mortgagees from future claims, so that we may know before commencing proceedings that we are secured at least an approximate equivalent to the value of the property as the result of the prosecution of a foreclosure case such as the Attorney-General is authorized to bring.

I shall be glad if you will kindly take up this matter for early action, and if your committee are willing to bind themselves to make such a bid please accompany your reply with detailed suggestions as to how the performance may be secured to the satisfaction of the Government.

Yours, truly,

GEO. HOADLY.

Gen. LOUIS FITZGERALD,
120 Broadway, City.

[Senate Document No. 83, Fifty-fourth Congress, second session.]

DEPARTMENT OF JUSTICE,
Washington, D. C., January 23, 1897.

SIR: I have the honor, pursuant to the Senate resolution of this date, to say that an agreement has been made with what is commonly known as the Reorganization Committee of the Union Pacific Railway Company respecting the foreclosure of the Government lien on property of said company. I transmit herewith a copy of the letter of the President of the United States under authority of which the agreement was made and foreclosure proceedings have been commenced, and copies of the correspondence which embodies the agreement.

The names of the gentlemen who comprise the reorganization committee are as follows: Louis Fitzgerald, chairman; Jacob H. Schiff, T. Jefferson Coolidge, jr., Chauncey M. Depew, Marvin Hughitt, Oliver Ames, 2d.

These papers set forth all the information called for by the resolution.

After the closing of the agreement I designated the United States Trust Company of New York as the depositary, and thereupon, upon the 21st instant, the sum of $4,500,000 was deposited therein in conformity with the terms of the agreement. The certificate representing such deposit is now in the hands of the Secretary of the Treasury.

I have the honor to be, with great respect, your obedient servant,

JUDSON HARMON,
Attorney-General.

The PRESIDENT OF THE SENATE.

EXECUTIVE MANSION,
Washington, January 12, 1897.

DEAR SIR: The bill which has been for some time pending before the Congress, providing for the adjustment and extension of the indebtedness of the Pacific railroads to the Government of the United States, has been defeated in the House of Representatives.

In the case of the Union Pacific Railroad and the Kansas Pacific Railroad, a default in the payment of their indebtedness having occurred, and suits having been commenced for the foreclosure of the lien upon said roads which is paramount to the lien and security of the United States, you are hereby directed, pursuant to the provisions of an act of Congress passed March 3, 1887, after taking such precautions and perfecting such arrangements as are possible to assure as far as practicable the payment of their indebtedness to the Government as a result of the suits now pending or others to be instituted, to take such proceedings in the courts as shall be needful to protect and defend the rights and interests of the United States in respect of such indebtedness, and to take steps to foreclose the mortgages or liens of the United States upon the property of these railroad companies.

In the case of the other aided Pacific railroads as to which no foreclosure suits are pending, a different situation is presented, which requires further consideration before deciding the course to be taken by the Government.

Yours, truly,

GROVER CLEVELAND.

Hon. JUDSON HARMON,
Attorney-General of the United States.

DEPARTMENT OF JUSTICE,
Washington, D. C., January 18, 1897.

SIR: Hon. George Hoadly, special assistant to the Attorney-General, has sent me your letter to him of the 15th instant, making a proposition on behalf of your committee for a guaranteed minimum bid for the property of the Union Pacific and Kansas Pacific railway companies and the Union Pacific sinking fund as a basis for the Government's proceeding to foreclose its lien thereon. I am authorized by the President to commence foreclosure proceedings, as suggested in your proposal, provided it is modified in the following particulars:

(1) In order to preserve the basis of the original informal negotiations, which took place in the absence of an accurate statement of the sinking fund, your offer should be modified so that the amount of the guaranteed bid therein named will be $45,754,059.99, instead of the sum of $45,000,000.

(2) That the following clause of your proposal be eliminated, viz: "and that, to the extent to which the Government may determine the terms of decree, an equal deposit to be made within a reasonable time before sale shall be required as a quali-

fication of any other bidder." While I have no doubt that the court will follow the uniform practice in railway foreclosures of requiring a deposit of all bidders as a guaranty of good faith and security for performance, and while the Government will obviously have the same interest as other parties in having such condition imposed, I do not wish to make a stipulation on that point as a condition of our arrangement.

(3) That your proposal is understood to mean that in case the property mentioned should not be sold as a unit, minimum bids for the separate portions thereof are to be made which in the aggregate will produce to the Government the net sum above mentioned. In case of separate sales the deposit named by you may of course be used for qualification of bidders representing you at each, in such proportions as may be required under the terms of sale.

(4) Your guaranty applies to such sale or sales as shall become effective. The sale of the sinking fund may be judicial or otherwise.

Your acceptance of the above modifications of your proposal will close the arrangement, and I will proceed to institute foreclosure proceedings on behalf of the Government as soon as the deposit named by you is made, for which, upon receipt of your acceptance, I will designate the depositary.

Very respectfully,

——— ———,
Attorney-General.

LOUIS FITZGERALD, Esq.,
Chairman Reorganization Committee,
Union Pacific Railway Company,
No. 120 Broadway, New York, N. Y.

REORGANIZATION COMMITTEE,
UNION PACIFIC RAILWAY COMPANY,
New York, January 20, 1897.

SIR: I have your favor of 18th instant, written in reply to my letter of 15th instant to Hon. George Hoadly, special assistant to the Attorney-General.

On behalf of the reorganization committee of the Union Pacific Railway Company, I have the honor to accept the modifications proposed in your letter of January 18, 1897, to the proposal made in my letter to Hon. George Hoadly dated on the 15th instant.

I am, very respectfully,

LOUIS FITZGERALD,
Chairman Union Pacific Reorganization Committee.

Hon. JUDSON HARMON,
Attorney-General, Washington, D. C.

NEW YORK, *January 15, 1897.*

DEAR SIR: Replying, on behalf of the Union Pacific reorganization committee, to your favor of the 14th instant, in which you request from this committee such proposition as it may be willing to make fixing a guaranteed bid at foreclosure and sale for the interest of the United States in the Union Pacific Railway and for the Union Pacific sinking fund, I am authorized to submit to you, and through you to the Executive Department of the Government, the following:

In the event that the Government shall at once take proceedings in the pending foreclosure suits, or by independent bills, for the enforcement of its lien upon the railroad and property of the Union Pacific Railway (which includes the Kansas Pacific line) by sale thereof, and for the sale of the sinking fund in the hands of the Secretary of the Treasury relating to the Union Pacific Railway Company, the reorganization committee is prepared to guarantee a minimum bid for the Union and Kansas Pacific lines of railroad and property embraced within the lien of the Government and for the cash and securities in the United States Union Pacific sinking fund, taken at par, which shall produce to the Government, over and above any prior liens and charges upon the railways and sinking fund, the net sum of $45,000,000.

The committee is prepared to furnish adequate security for the due performance of the above offer. As such security it will deposit with such national depositary in New York City as may be selected by the proper officers of the Government the sum of $4,500,000 in cash (namely 10 per cent of the guaranteed bid), subject to the condition that this deposit may be used, under the terms of the foreclosure decree, as a deposit to qualify such bidders as may act on behalf of the reorganization committee, and that to the extent to which the Government may determine the

terms of decree an equal deposit, to be made within a reasonable time before sale, shall be required as a qualification of any other bidder. Should the Government desire to liquidate the sinking fund in advance of sale of the railway property, the reorganization committee will be prepared to anticipate this feature of its offer by an earlier purchase of the sinking fund at par of the cash and securities therein contained.

As the provision proposed is one of very considerable magnitude and as the proposition is based upon conditions which now exist, it will be obvious that the reorganization committee must reserve, and it desires to be understood as reserving, the right to withdraw this offer at any time previous to its acceptance by the Government.

I have the honor to be, very respectfully, yours,

LOUIS FITZGERALD,
Chairman of the Reorganization Committee of the Union Pacific Railway Company.

Hon. GEORGE HOADLY,
Special Assistant to Attorney-General,
No. 22 William street, New York City.

At a session of the circuit court of the United States held in and for the district of Kansas on the 30th day of July, 1897.

Present: Walter H. Sanborn, circuit judge.

THE UNITED STATES OF AMERICA, COMPLAINANTS,
v.
THE UNION PACIFIC RAILWAY COMPANY; HENRY M. ALEXANDER and John F. Dillon, as trustees; John A. Stewart and John F. Dillon, as trustees; Russell Sage and George J. Gould, as trustees; The Mercantile Trust Company, as trustee; The American Loan and Trust Company, as trustee; John A. Stewart and William Endicott, jr., as trustees; Silas H. H. Clark, Oliver W. Mink, E. Ellery Anderson, Frederic R. Coudert, and John W. Doane, receivers, defendants. } Kansas Pacific.

FINAL DECREE.

This cause came on to be heard upon the bill of complaint of the United States of America, complainants, and upon the several answers of The Union Pacific Railway Company; Henry M. Alexander and John F. Dillon, as trustees; John A. Stewart and John F. Dillon, as trustees; Russell Sage and George J. Gould, as trustees; The Mercantile Trust Company, as trustee; The American Loan and Trust Company, as trustee; John A. Stewart and William Endicott, jr., as trustees; Silas H. H. Clark, Oliver W. Mink, E. Ellery Anderson, John W. Doane, and Frederic R. Coudert, as receivers, and upon the replications to said answers, respectively, and upon the proofs and exhibits in said cause, and the report thereon of William D. Cornish, special master, to whom said cause was referred by order dated April 5, 1897, which report was filed in said cause on the 29th day of July, 1897, and upon all the papers and proceedings in said cause; and the complainants in said cause appeared by the Attorney General and by Mr. George Hoadly, special assistant to the Attorney-General, and Mr. John C. Cowin, special counsel for the United States, and the defendants hereinbefore named appeared by their respective solicitors and counsel, to wit: The Union Pacific Railway Company by Mr. William R. Kelly, its solicitor; Silas H. H. Clark, Oliver W. Mink, E. Ellery Anderson, John W. Doane, and Frederic R. Coudert, receivers, by Mr. William R. Kelly, their solicitor; Henry M. Alexander and John F. Dillon, as trustees, by Mr. Charles C. Deming, their solicitor, and John A. Stewart and John F. Dillon, as trustees, and John A. Stewart and William Endicott, jr., as trustees, by Mr. Edward W. Sheldon, their solicitor; Russell Sage and George J. Gould, as trustees, by Messrs. Rossington, Smith & Dallas, and Mr. Winslow S. Pierce, their solicitors; Mercantile Trust Company, as trustee, by Mr. William W. Green, as counsel; The American Loan and Trust Company, trustee, by Mr. Charles Blood Smith and Mr. Elmer P. Howe, their solicitors; and said cause having been argued by counsel, and the court being fully advised in the premises, it is—

ORDERED, ADJUDGED, AND DECREED.

1. That each and every exception taken to the report of William D. Cornish, special master, to whom this cause was referred by order herein dated April 5, 1895 (which said report was filed in this cause upon the 30th day of July, 1897), be and

the same is overruled and disallowed, and said report is in all respects approved and confirmed; to which action of the court in overruling the said exceptions to said report, taken by the complainants (and each of them), the complainants now except.

2. And it is further considered by the court, upon the pleadings and proofs, that the equity of the cause is with the complainants, and that they are entitled to the relief sought by their bill, so far as not otherwise held by said master in his report so as aforesaid confirmed and approved.

That the United States of America duly instituted this suit and became parties complainants in this cause by action of the Attorney-General of the United States, duly had and taken on their behalf pursuant to the authority provided by law and given by the direction of the President of the United States.

3. That the Union Pacific Railroad Company was duly incorporated and organized under and by virtue of an act of Congress of the United States entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also an act of Congress amendatory thereof, approved July 2, 1864, and other acts of the Congress of the United States amendatory thereof and supplemental thereto.

4. That by the ninth section of the said act of Congress approved July 1, 1862, the Leavenworth, Pawnee and Western Railroad Company, a corporation duly incorporated by the Territorial law of the Territory of Kansas, was authorized to construct a railroad and telegraph line from the Missouri River at the mouth of the Kansas River, on the south side thereof, so as to connect with the Pacific Railroad of Missouri, to a point on the one-hundredth meridian of longitude west from Greenwich, as in said act provided, upon terms and conditions specified in said act, and to meet and connect with the railroad and telegraph line of the Union Pacific Railroad Company, described in said act, at the one-hundredth meridian of west longitude aforesaid.

5. That in pursuance of legislative authority conferred by the laws of Kansas the name of the Leavenworth, Pawnee and Western Railroad Company was changed, by the stockholders of said company, on June 6, 1863, to, and from that time said company became in law and in fact known as the Union Pacific Railway Company, Eastern Division; that afterwards, in pursuance to a joint resolution of Congress, approved April 10, 1869, the name and title of said company was changed to the Kansas Pacific Railway Company; and that afterwards, by force and effect of the sixteenth section of said act of July 2, 1864, giving power to the Union Pacific Railroad Company and to the other companies described in said acts (one of which was the said Union Pacific Railway Company, Eastern Division, afterwards called the Kansas Pacific Railway Company), to unite and consolidate their organizations, in manner and form as described in said act the Union Pacific Railway Company, was, on the 26th day of January, 1880, created by the consolidation, in the manner provided by the said acts of July 1, 1862, and July 2, 1864, of said Union Pacific Railroad Company, said Kansas Pacific Railway Company, and the Denver Pacific Railway and Telegraph Company, the latter being a corporation organized under the laws of the Territory of Colorado, which said companies are named and described in the acts of Congress aforesaid; and that said the Union Pacific Railway Company so created by said consolidation thereupon became and is successor to each and all of said constituent companies, and thereby invested with all the rights, titles, properties, and franchises of each of said companies, including said Kansas Pacific Railway Company.

6. That in and by the second section of said act of Congress approved July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," it was provided, among other things, that the said corporation created by said act (being the Union Pacific Railroad Company) should be authorized and empowered to lay out, construct, furnish, maintain, and enjoy a continuous railroad and telegraph, with the appurtenances, from a point on the one-hundredth meridian of longitude west from Greenwich between the south margin of the valley of the Republican River and the north margin of the valley of the Platte River, in the Territory of Nebraska, to the west boundary of Nevada Territory, which point on the one-hundredth meridian west from Greenwich is the same point as in said act was provided as the eastern terminus of the Union Pacific Railroad aforesaid.

7. That by the fifth and other sections of said act of Congress approved July 1, 1862, and acts amendatory thereto, it was provided that upon the certificate in writing of commissioners appointed by the President of the United States, as in said acts provided, of the completion and equipment from time to time of sections of 20 consecutive miles each of said railroad and telegraph in accordance with the provisions of said act the Secretary of the Treasury should for each such section issue to the said company bonds of the United States of $1,000 each, payable in thirty years after date, bearing 6 per cent per annum interest, said interest payable semi-

annually, to the amount of 16 of said bonds per mile for each said section of 20 miles, and to secure the repayment to the United States of said bonds so issued and delivered to the said company, together with all interest thereon, which should be paid by the United States, the issue and delivery of said bonds to the company should, ipso facto, constitute a lien upon the railroad and telegraph of said company, together with the rolling stock, fixtures, franchises, and property of every kind and description, and in consideration of which said bonds might be issued.

8. By the sixth section of the said act it was further provided that the grants aforesaid were made upon the condition that said company should pay said bonds at maturity, and keep said railroad and telegraph line in repair and use, and should at all times transmit messages over the said telegraph line and transport mails, troops and munitions of war, and supplies and public stores upon said railroad for the Government whenever required so to do by any Department thereof, and that the Government of the United States should at all times have preference in the use of the same for all purposes aforesaid, at fair and reasonable rates of compensation, not to exceed the amounts paid by private parties for the same kind of service, and that all compensation for services rendered the Government should be applied to the payment of said bonds and interest until the whole amount thereof should be fully paid; and further, that in and by the terms of the tenth section of said amendatory act approved July 2, 1864, the fifth section of the original act approved July 1, 1862, was so modified and amended that the Union Pacific Railway Company, Eastern Division, might, upon completion of each section of said road, as provided in said act and the act to which the same was an amendment, issue its first mortgage bonds on its railroad and telegraph line, to an amount not exceeding said bonds of the United States, and of even tenor, date, time of maturity, rate and character of interest with the bonds authorized to be issued by said United States to the railroad company, and that the lien of the United States bonds should be subordinate to that of said first mortgage and bonds of the railroad company thereby authorized to be issued on its railroad, property, and equipments, and secured by said mortgage, except as to the provisions of the sixth section of the act approved July 1, 1862, relating to the transmission of dispatches and the transportation of mails, troops, munitions of war, supplies, and public stores for the Government of the United States.

9. That by the act of Congress approved July 3, 1866, entitled "An act to amend an act entitled 'An act to amend an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes, approved July 1, 1862,' approved July 2, 1864," it was provided that said Union Pacific Railway Company, Eastern Division (afterwards known as the Kansas Pacific Railway Company), should be and was entitled to designate the general route of said road and to file a map thereof, and upon filing of said map, showing the general route of said road, the lands along the entire line thereof, so far as the same might be designated, should be reserved from sale by order of the Secretary of the Interior, provided that said company should be entitled to only the same amount of the bonds of the United States to aid in the construction of its line of railroad and telegraph as it would have been entitled to if it had connected its line of railroad with the Union Pacific Railroad on the one hundredth degree of west longitude as then required by law; and further, that if said railroad had been connected as aforesaid on the one hundredth degree of west longitude the distance for which said Union Pacific Railway Company, Eastern Division, would have been entitled to receive subsidy bonds as aforesaid would have been 393$\frac{1}{8}$ miles and no more.

10. That afterwards, in pursuance of law, said Union Pacific Railway Company, Eastern Division (afterwards known as the Kansas Pacific Railway Company), having first designated the general route of said railroad and filed a map thereof as aforesaid, began, and the Kansas Pacific Railway Company completed, a line of railroad and telegraph from Kansas City, in the State of Missouri, at a connection with the Pacific Railroad of Missouri on the south side of the Missouri River, at the mouth of the Kansas River, to Denver, in the State of Colorado, with spurs to Wyandotte, and at Detroit, in Kansas, and that in pursuance of law, and upon the report of commissioners appointed from time to time by the President of the United States, bonds of the United States, of the tenor and effect aforesaid, as described in said acts, approved July 1, 1862, and July 2, 1864, were issued to said Union Pacific Railway Company, Eastern Division, to the amount in all of $6,303,000, bearing interest at the rate of 6 per cent per annum, payable semiannually to the holder thereof, as follows:

$640,000 issued on the 1st day of November, 1865, the principal of which matured and grew due on the 1st day of November, 1895;

$352,000 issued on January 1, 1866; $368,000 issued on May 8, 1866; $320,000 issued on July 9, 1866; $400,000 issued on October 16, 1866, the principal of which matured and grew due on the 1st day of January, 1896;

$400,000 issued on January 23, 1867; $480,000 issued on May 6, 1867; $400,000 issued

on June 10, 1867; $384,000 issued on August 13, 1867; $400,000 issued on September 20, 1867; $416,000 issued on October 26, 1867; $320,000 issued on December 3, 1867, the principal of which grew due and matured on January 1, 1897;

$480,000 issued on January 14, 1868; $400,000 issued on April 28, 1868; $320,000 issued on June 6, 1868; $223,000 issued on November 5, 1868, the principal of which will become due on January 1, 1898.

And that the issue of said bonds and their said delivery to said company did, by force of law, ipso facto, constitute a mortgage lien subordinate only to the lien of any first mortgage bonds issued by said Union Pacific Railway Company, Eastern Division, or said Kansas Pacific Railway Company, under and by force of the tenth section of the act of July 2, 1864, aforesaid, on the whole line of the railroad and telegraph from the State line dividing the States of Missouri and Kansas, westwardly for the distance of 393$\frac{1}{16}$ miles, together with the equipment, fixtures, franchises, and property of every kind and description of said company, and in consideration of which said bonds were issued, including the terminal property of said railroad company in the State of Missouri, hereinafter described, in favor of said complainants, to secure the payment, at maturity, of said bonds, with interest thereon from the said dates of issuance until said dates of maturity, respectively, at the rate of 6 per cent per annum.

11. The court further finds that in compliance with the mandate of said statutes, and by force of the agencies provided for that purpose by the said laws of the United States, large sums of money have been received by the United States and credited to the said Kansas Pacific Railway Company, and to the said Union Pacific Railway Company, toward and in partial reimbursement of the interest paid by the United States aforesaid, the whole amount of which payments were and amounted, on the 31st day of March, 1897, to the sum of $4,514,803.25, being a sum, however, much less than the amount of interest which had accumulated and been paid by the United States at the date of maturity of said subsidy lien bonds to the holders thereof.

12. The court further finds that on the 1st day of April, 1897, the amount owing to the United States, including the amount due and the amount not due to them upon the account aforesaid, after making said credits in reimbursement for the payment by the United States of said subsidy lien bonds and interest, amounted to the sum of $12,891,900.19.

13. The court further finds that by the nonpayment of said bonds at maturity the condition of said subsidy mortgage and lien has been broken, and that in pursuance to law the United States is entitled to a decree for the sale of said railroad and telegraph line extending from the State line between the States of Missouri and Kansas the distance of 393$\frac{1}{16}$ miles westwardly to a point upon said railroad, together with said spurs to Wyandotte and at Detroit, and the terminal railroad property in the State of Missouri, extending from the Union Depot or eastern terminus of said Kansas Pacific Railway Company, now called the Union Pacific Railway Company, Kansas Division, a distance of 0.51 of a mile west to the State boundary line dividing the States of Kansas and Missouri, which terminal properties and railways the court finds to have accreted to and become a part of the said railway and subject to the lien of the United States the same as if bonds had been issued in aid of the construction thereof, through the agency of commissioners appointed by the President of the United States and in pursuance of law as aforesaid; but the court further finds that the said decree in favor of the United States for the sale of said railroad and telegraph line, equipment and franchises with appurtenances (which equipment subject to the lien of the United States amounts to the equal undivided 19 per cent of the total equipment owned by the Union Pacific Railway Company and used on all of its divisions and branches), is subject, however, to the preference in favor of the Government of the United States for the transmission of messages over the telegraph line and the transportation of mails, troops, and munitions of war, and supplies and public stores upon said railroad for the Government whenever required to do so by any department thereof, at fair and reasonable rates of compensation not to exceed the amounts payable by private parties for the same kind of service; also to the following rights and claims, the second, third, and fourth of which, however, are also subject to the said preferential right of the Government last described, to wit:

(1) The title of the American Loan and Trust Company shown by the equipment trust indenture of the Union Pacific Railway Company to said American Loan and Trust Company, dated October 1, 1887, to the extent and so far as said indenture affects the portion of the equipment therein embraced and to the extent of the purchase money indebtedness as recited in said indenture, and upon payment of which by said Union Pacific Railway Company, or some one for it, said last-named company will become and be the owners in full title and possessed of complete ownership of all the equipment described in said equipment trust indenture, subject to said preferential right of the Government of the United States. The amount due upon said equipment trust indenture was on April 1, 1897, the sum of $507,000.

(2) The rights and lien of the holders of bonds secured by the mortgage made by said Union Pacific Railway Company, Eastern Division, August 1, 1865, to Henry M. Alexander and John Edgar Thomson as trustees. Henry M. Alexander and John F. Dillon are now the trustees under said mortgage. This mortgage describes and covers that portion of the railroad and telegraph and appurtenant property which extends from the eastern terminus thereof at a point in the State of Missouri about 0.51 of a mile east of the Missouri-Kansas State line to a point 140 miles westerly from said State line, the Wyandotte spur, and 10 per cent of the total equipment of the Union Pacific Railway Company.

The amount owing upon said mortgage is $2,486,575.61, together with interest at 6 per cent from the 1st day of May, 1897, upon the sum of $2,441,600.

(3) The rights and lien of the holders of bonds secured by the mortgage made by said Union Pacific Railway Company, Eastern Division, dated June 1, 1866, to John Edgar Thomson and Adolphus Meier as trustees. John F. Dillon and John A. Stewart are now the trustees under this mortgage. This mortgage describes and covers all of the Kansas Pacific Railway and telegraph line, with its franchises and appurtenances, between a point 140 miles west of the boundary line between the States of Missouri and Kansas and a point 393$\frac{15}{16}$ miles west of the same boundary line, a spur at Detroit, and 9 per cent of the total equipment of the Union Pacific Railway Company. The amount owing upon said mortgage is $4,689,590.10, together with interest at 6 per cent from the 1st day of May, 1897, upon the sum of $4,550,560.

(4) The right of possession and lien of Silas H. H. Clark, Oliver W. Mink, E. Ellery Anderson, John W. Doane, and Frederic R. Coudert, who were in the year 1894 appointed receivers of the property covered by said subsidy lien, and other property, in a suit brought in this court by Russell Sage and George J. Gould as trustees, to foreclose a mortgage made to them by the Kansas Pacific Railway Company and dated May 1, 1879. Said mortgage is junior and inferior to said subsidy lien; but the said receivers have been since 1894, and still are, in possession of and operating said railroad; and their rights and lien, to which the claim of the Government is subject, are only their right of possession, and their lien for the payment of any deficiency in operating expenses while managing said railroad, if the same should hereafter be found to exist and be allowed by the court upon the settlement of their accounts.

14. *It is therefore ordered, adjudged, and decreed,* That the sale to be made under the decree in this case shall be subject and subordinate to the lien of mortgages and rights of bondholders secured by the said several instruments hereinbefore declared to be prior in right to the subsidy mortgage and lien of the United States, viz, to the title secured by said indenture to the American Loan and Trust Company; the lien of the mortgage to said Henry M. Alexander and John F. Dillon, as trustees, and the mortgage to said John A. Stewart and John F. Dillon, as trustees, and the rights and possession of said receivers; but shall cut off and carry to the purchaser the equity of redemption of said mortgagor company heretofore known as the Union Pacific Railway Company, Eastern Division, Kansas Pacific Railway Company, and the Union Pacific Railway Company, and of all persons under them, and shall vest in the purchaser good and complete title to the premises and railway described as aforesaid, beginning at the junction of the Missouri Pacific Railroad with the Union Pacific Railway in the city of Kansas City, Mo., thence extending so as to include the railway and telegraph lines and all the appurtenances thereof, and the said spurs to Wyandotte and at Detroit, westwardly to a point on said railroad line 393$\frac{15}{16}$ miles west of the boundary line between the States of Missouri and Kansas aforesaid, but subject to the preferential right of the Government of the United States aforesaid for the transmission of telegraphic dispatches and the transportation of mails, troops, and munitions of war, supplies and public stores aforesaid, and to the possession and rights of the receivers in charge of said property.

15. That in addition to the sums hereinbefore found to be due from and owing by said defendant railway company, said company is indebted in large sums, of which the payment is overdue, and it has made default in the payment thereof and is unable to pay the same and is wholly insolvent, and it is for the best interests of all concerned that the said railroad, telegraph and equipment, with the properties and franchises, rights, functions, immunities, and appurtenances of the said railway company embraced in and covered by the subsidy mortgage and lien of the complainants, should be sold and that provision be made for the payment of the indebtedness of said railway company according to the respective liens and equities of the holders thereof. That the railroad, telegraph, appurtenances, rolling stock, equipment, and other property and franchises, rights, functions, immunities, and appurtenances of said defendant railway company embraced in said subsidy mortgage and lien in favor of the United States are indivisible and so situated and are of such a nature that the same can not be sold in parcels without great injury to all the parties in interest, and that it is expedient that the same shall be sold as an entirety, as hereinafter provided, subject to the rights of all prior mortgagees and incumbrancers and said receivers, hereinbefore described, but free and clear and discharged from all claims

and rights, junior and subordinate, to those of the United States subsidy mortgage and lien.

16. *It is therefore further ordered, adjudged, and decreed,* That the defendant The Union Pacific Railway Company pay, or cause to be paid, within twenty days after the entry of this decree, into the Treasury of the United States of America, the amount which was due to the United States on the 1st day of April, A. D. 1897, that is to say, $11,468,900.19.

17. *It is further ordered, adjudged, and decreed,* That in default of such payment by the defendant the said The Union Pacific Railway Company, or by someone claiming under it, or for its account, or by some of the defendants herein, within the time aforesaid, all the railroad, telegraph, franchises, rights, functions, immunities, and appurtenances to the same belonging, rolling stock, and property of every kind and description embraced in and covered by said subsidy mortgage and lien to the United States shall be sold as hereinafter directed, and all the right, title, estate, interest, and equity of redemption of the said defendant The Union Pacific Railway Company, and of all persons claiming or to claim under it, and of each and every defendant in this cause, except the prior incumbrancers and title and lien holders hereinbefore described, viz, those claiming under the American Loan and Trust Company equipment indenture, and under the said mortgages to said Henry M. Alexander and John F. Dillon, as trustees, and to said John A. Stewart and John F. Dillon, as trustees, respectively, and of said receivers, respectively, of, in, or to the said railroad, telegraph, franchises, rolling stock, and property, and every part and parcel thereof, shall be forever absolutely barred and foreclosed, saving only the rights herein expressly excepted and reserved.

The said property covered by and embraced in said subsidy mortgage and lien, as the same is herein described and defined, shall be sold upon the conditions and in the manner hereinafter provided and directed, at public auction, to the highest bidder or bidders, upon the mortgaged premises, at the station of the Union Pacific Railway Company in the city of Topeka, in the State of Kansas, on a day or days to be fixed by the special master hereinafter appointed, and public notice of such sale and the time and place thereof, together with the manner and the terms upon which the said sale is to be conducted, shall be given by the said special master by advertisement, which shall describe briefly the property to be sold, the time and place when and where the sale is to take place, and the conditions upon which it is to be conducted; which advertisement shall be published at least once a week for the term of four successive weeks preceding the day of sale in at least one newspaper in each of the following cities, namely: New York City, N. Y.; Kansas City, Mo.; Topeka, Kans.

18. Said sale shall be made in the following manner and upon the following terms:

Said property shall be sold as an entirety and in one parcel.

The special master shall have the power and right to postpone the said sale from time to time, and may, without further notice, proceed with the said sale on any day to which the sale may have been adjourned, and may, at his option, give such further notice of sale, in addition to the notice above described, as he may think proper.

The special master shall receive no bid from anyone offering to bid who shall not have deposited with him, at his office in Omaha, Neb., at least five days before the date of the sale mentioned in the special master's published notice, as a pledge that he will make good his bid in case of its acceptance, the sum of $500,000 in cash.

The special master shall accept no bid for said railroad, franchises, and property less than the sum of $2,500,000 in cash, and unless such sum shall be bid the special master may adjourn the sale and apply to the court for further instructions.

Upon the acceptance of any bid, the person or persons making the same shall forthwith deposit with the special master, on account thereof, a further sum, in cash, which, together with the amount which he or they have already deposited as a pledge, shall equal 15 per cent of the accepted bid.

In case any bidder shall fail to make good his bid upon its acceptance by the special master by making within five days after such acceptance the additional deposit with the master as hereinbefore provided, or, after the confirmation of said sale, shall fail to pay, as hereinafter provided, the balance due upon his said bid in consummation of his purchase, then the sums in cash so deposited by such bidder or purchaser, as hereinbefore provided, shall be forfeited as a penalty for such failure, and shall be applied toward payment of the expenses of a resale, and toward making good any deficiency or loss in case the property shall be sold at a less price upon such resale, and to any other and further purpose which the court may direct.

Any party to this cause, or any holder or holders of first-mortgage bonds, may bid and purchase at such sale.

If any sale for which a deposit has been made shall not be confirmed by the court such deposit shall be returned to the bidder, and the deposit of any unsuccessful bidder shall be returned to him when a bid has been accepted.

19. The purchaser whose bid shall have been accepted by the special master at

said sale shall make payments in cash of the sums remaining due upon his said bid after the application thereto of the amounts theretofore deposited by him, as follows:

Twenty-five per cent of said amount so remaining due on said bid shall be paid within thirty days after the confirmation of the sale; a further 25 per cent of said amount shall be paid within forty days after such confirmation; a further 25 per cent of said amount shall be paid within fifty days after such confirmation; and a further 25 per cent of said amount shall be paid within sixty days after such confirmation: *Provided, however,* That the purchaser shall have the right to anticipate any or all of said payments by making the same, or any of them, at an earlier time, or earlier times, than herein fixed. The master may accept a certified check upon, or a certificate of deposit of, any national bank or trust company which is satisfactory to him as a payment or deposit of cash instead of money in any case in which he is by the terms of this decree required to obtain cash.

The proceeds of the accepted bid shall be applied to the payment of the amount owing to the United States, whether due or not, secured by its said subsidy mortgage and lien, until said subsidy debt shall be paid in full, and the surplus, if any, shall be distributed by subsequent orders of the court.

After the sale hereunder has been confirmed, the purchaser may pay the unpaid balance of his bid to the master or to the United States, and the receipt of the Secretary of the Treasury, or his proper subordinate, for any part of such balance, shall be sufficient evidence of its payment, and after such confirmation the master may pay to the United States any portion of the purchase price in his hands which is applicable to the payment of the subsidy lien, and may take a like receipt therefor.

20. Upon the confirmation of such sale and conveyance of the premises sold, the purchaser or purchasers, his or their successors and assigns, shall, subject to the possession and rights of said receivers, and subject to the liens and rights of the prior mortgagees and incumbrancers hereinbefore mentioned, hold and enjoy the same and all the rights, privileges, immunities, and franchises thereto appertaining. The purchaser or purchasers, and his or their successors or assigns, shall, subject to the possession and rights of said receivers, and subject to the liens and rights of the prior mortgagees and incumbrancers hereinbefore mentioned, thereupon be entitled to have and to hold the said premises so conveyed by a full, absolute, and indefeasible title, freed and discharged from all the mortgages, liens, claims, and charges of the complainants herein, and of each and every defendant herein, and of all the parties to this cause, saving and excepting the right of the United States Government to have the preference, at all times, in the use at fair and reasonable rates of compensation, not to exceed the amounts paid by private parties for the same kind of service, of the said telegraph line and railroad for the transmission of dispatches over said telegraph line, and the transportation of mails, troops, and munitions of war, supplies, and public stores upon said railroad for the Government whenever required by any department thereof.

21. The defendant The Union Pacific Railway Company shall at the time of the execution of the said deed by said special master, as a further assurance to the purchaser or purchasers, execute its deed, or join with said special master in the execution of the deed to be made by him, and shall thereby convey and release to the purchaser or purchasers and his or their successors or assigns, all its right, title, and interest in and to the property conveyed by said special master to the said purchaser or purchasers; and said railway company shall also execute and deliver to said purchaser or purchasers, or to his or their assigns, and shall unite in the execution and delivery of such further, separate, and specific deeds and conveyances of lands, lots, or other property of which the title shall be held by or for it, described in the master's report, hereby confirmed, as shall be by said special master approved as necessary or proper to complete or assure the title of the purchaser or to complete or facilitate the record evidence thereof.

22. The purchaser or purchasers, or his or their successors and assigns, shall, as part consideration and purchase price of the property purchased, and in addition to the sums heretofore required to be paid, take the same and receive the deed therefor upon the express condition that he or they, or his or their successors or assigns, shall pay, satisfy, and discharge—

First. All the proper costs of this cause and of the expenses of the sale hereunder, including the compensation and necessary expenses of the special master appointed to make the sale.

Second. The charges, compensation, allowances, and disbursements of the complainants and any of the other parties to this cause entitled thereto, their solicitors and counsel.

The costs, compensation, allowances, and disbursements specified in this article shall be paid by the purchasers when they are fixed by the court. The purchaser, his successors or assigns, shall pay any of the claims described in this order when by

it required, or shall pay to the special master or into court the moneys required to discharge the same from time to time, as the court may direct; and this court reserves the right and retains the power and jurisdiction to take back and resell the said property in case the purchaser, his successors or assigns, fail to pay any of said claims when by it required, and in case he or they fail to pay any other part of the purchase price of this property.

23. *It is further ordered, adjudged, and decreed,* That upon payment of the purchase price by the purchaser or purchasers of said property the said special master making the sale shall execute and deliver a good and sufficient deed conveying all the said railroad, telegraph, rolling stock, and property of every kind and description, herein ordered to be sold, subject to the prior liens and exceptions herein before found, together with all the franchises, rights, functions, immunities, and appurtenances belonging to the said premises, to such purchaser or purchasers, or his or their successors and assigns.

From the time when, by the order of this court, the said receivers deliver the possession of the said premises and property to such purchaser, his or their successors and assigns, he or they shall have, receive, hold, and enjoy all the earnings, income, and proceeds of the operation, use, or disposition thereof, and all compensation for the transmission of dispatches over said telegraph line and the transportation of any persons or property over said railroad for any persons, party, or corporation, including the Government of the United States.

25. *It is further ordered, adjudged, and decreed,* That William D. Cornish be, and he is hereby, appointed special master to execute this decree and make the sales herein provided to be made, and to execute and deliver the deeds of conveyance of the property sold to the purchaser or purchasers thereof upon confirmation of said sales and payment of the purchase prices thereof, as herein provided, and this court reserves the right at any time to appoint another master with the same powers as the one herein appointed, in case of the inability for any reason of the special master herein appointed to act or perform the duties of his office or in reference to his office. As soon as any sales have been made by such special master in pursuance of this decree, he shall report the same to this court for confirmation, and shall from time to time thereafter make such further and supplemental reports as shall be necessary to keep the court and the parties to this cause properly advised of his proceedings in the execution of this decree.

26. *It is further ordered, adjudged, and decreed,* That all the rights of the complainants, the United States, not disposed of by this decree are hereby reserved to them, and that all questions not hereby disposed of, including the discharge of the receivers and the statement and settlement of their accounts, are hereby reserved by this court for its future adjudication; and that any party to this cause may at any time apply to this court at the foot of this decree for further relief in respect to matters not herein specifically provided for.

WALTER H. SANBORN,
United States Circuit Judge, Eighth Judicial District.

At a circuit court of the United States held in and for the district of Kansas, in the city of Leavenworth, on the 30th day of July, 1897.

Present: Hon. Walter H. Sanborn, circuit judge.

HENRY M. ALEXANDER AND JOHN F. DILLON, TRUSTEES, COMplainants, *against* THE UNION PACIFIC RAILWAY COMPANY; KANSAS PACIFIC Railway Company; American Loan and Trust Company, trustee; John A. Stewart and William Endicott, jr., trustees; Russell Sage and George J. Gould, trustees; The Mercantile Trust Company, trustee; Silas H. H. Clark, Oliver W. Mink, E. Ellery Anderson, John W. Doane, and Frederic R. Coudert, receivers of the property and franchises of The Union Pacific Railway Company; The United States of America, and The Chicago, Kansas and Nebraska Railway Company, defendants.	Foreclosure decree. Eastern division first mortgage.

FINAL DECREE.

This cause came on to be heard upon the bill of complaint of Henry M. Alexander and John F. Dillon, trustees, complainants, and upon the answers of The Union Pacific Railway Company; The American Loan and Trust Company, trustee; John A. Stewart and William Endicott, jr., trustees; Russell Sage and George J. Gould,

trustees; The Mercantile Trust Company, trustee; Silas H. H. Clark, Oliver W. Mink, E. Ellery Anderson, John W. Doane, and Frederic R. Coudert, receivers, and the United States of America, and upon the replications to said answers, respectively, and upon the proofs in said cause and the report therein of William D. Cornish, special master, to whom said cause was referred by order dated April 5, 1897, which report was filed in said cause on the 30th day of July, 1897, and upon the exceptions of the defendants Russell Sage and George J. Gould, trustees, to said report, and upon all the papers and proceedings in said cause, and the same was argued by counsel, and it appearing that an order has been entered in said cause dismissing the bill of complaint therein as against the defendant The Chicago, Kansas and Nebraska Railway Company, and the court being fully advised in the premises and due deliberation being had,

On motion of Charles C. Deming, solicitor for the complainants, said The Union Pacific Railway Company, appearing by W. R. Kelly, its solicitor; the American Loan and Trust Company, appearing by Elmer P. Howe and Charles Blood Smith, its solicitors; Russell Sage and George J. Gould, trustees, appearing by Winslow S. Pierce and Rossington, Smith & Dallas, their solicitors; The Mercantile Trust Company, trustee, appearing by Alexander & Green, its solicitors; Silas H. H. Clark, Oliver W. Mink, E. Ellery Anderson, Frederic R. Coudert, and John W. Doane, appearing by W. R. Kelly, their general solicitor; and The United States of America, appearing by the Attorney-General and by George Hoadly, special assistant to the Attorney-General, and John C. Cowin, special counsel for the United States, it is

Ordered, adjudged, and decreed:

FIRST. *Exceptions overruled: report confirmed.*—That the exceptions filed by the defendants Sage and Gould, trustees, to the report of William D. Cornish, special master, to whom said cause was referred by order entered therein dated April 5, 1897, which said report was filed in said cause upon the 30th day of July, 1897, be and the same are hereby overruled, and the said report is hereby confirmed.

SECOND. *General Finding.*—That all the material allegations of the bill of complaint and supplemental bill of complaint herein are true.

THIRD. *Incorporation of Leavenworth, Pawnee and Western Railroad Company.*—That the Leavenworth, Pawnee and Western Railroad Company was duly incorporated and organized under and by virtue of an act of the legislature of the Territory of Kansas, enacted in the year 1855 and entitled "An act to incorporate the Leavenworth, Pawnee and Western Railroad Company," and an act supplemental thereto, approved February 23, 1857.

And said Leavenworth, Pawnee and Western Railroad Company was by the legislation aforesaid authorized to locate and construct a railroad from the west bank of the Missouri River, in the town of Leavenworth, Kans , and from thence west to the town of Pawnee or some point feasible and near to the Government reservation of Fort Riley, with the privilege of extending the same to the western boundary of the then Territory of Kansas and to construct a branch road to the town of Kickapoo, on the Missouri River.

That the said Leavenworth, Pawnee and Western Railroad Company was by an act of the Congress of the United States, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, authorized to construct a railroad and telegraph line from the Missouri River, at the mouth of the Kansas River, on the south side thereof, so as to connect with the Pacific Railroad of Missouri to the aforesaid point on the one hundredth meridian of longitude west from Greenwich.

FOURTH. *Change of name of Railroad Company.*—That on or about June 6, 1863, the name of said corporation was, under authority of an act of the legislature of the State of Kansas, entitled "An act relating to railroad companies," approved March 5, 1862, changed from that of Leavenworth, Pawnee and Western Railroad Company to that of Union Pacific Railway Company, Eastern Division.

FIFTH. *Route.*—That said Union Pacific Railway Company, Eastern Division, was by the legislation aforesaid authorized to lay out, locate, construct, furnish, maintain, and enjoy the railroad and telegraph described and embraced in the eastern division mortgage of said railway company, hereinafter mentioned, and which railroad extends from the Missouri River, at the mouth of the Kansas River, on the south side thereof, and from Wyandotte, in the State of Kansas, west in said State of Kansas to a point 140 miles west from the State line between the States of Missouri and Kansas, all of which line of railroad and telegraph, with the appurtenances thereof, was located, constructed, equipped, and furnished by the Union Pacific Railway Company, Eastern Division, as, in the manner and upon the conditions, within the times and upon the provisions and consents contemplated, defined, and described in said legislation.

SIXTH. *Name changed to Kansas Pacific Railway Company.*—That in the year 1869

the said Union Pacific Railway Company, Eastern Division, pursuant to due corporate action and as thereto authorized by law, changed its name to that of the Kansas Pacific Railway Company.

SEVENTH. *Formation of Union Pacific Railway Company.*—That the defendant The Union Pacific Railway Company is a corporation created by and existing under and by virtue of the said acts of the Congress of the United States of July 1, 1862, and of July 2, 1864, and the other acts of the Congress of the United States amendatory thereof and supplemental thereto. That the said The Union Pacific Railway Company was formed on or about the 24th day of January, 1880, under and by virtue of the powers and provisions contained in said several acts of the Congress of the United States, by the consolidation of the Union Pacific Railroad Company, the Kansas Pacific Railway Company, and the Denver Pacific Railway and Telegraph Company, and said The Union Pacific Railway Company so created thereupon became the successor to each and all of the said constituent companies, and thereby became vested with all the rights, titles, interest, lands and land grants, properties, and franchises of each and all of the said constituent companies; and said The Union Pacific Railway Company is the owner of the said railroad property and franchises embraced in the mortgage of the Union Pacific Railway Company, Eastern Division, dated August 1, 1865, under which the complainants are trustees, and which is hereinafter more fully referred to.

And said The Union Pacific Railway Company in addition thereto is the owner of the further lines of railway and property described in the original bill of complaint herein, extending from Council Bluffs, Iowa, westerly through the States of Nebraska, Colorado, Wyoming, and Utah, to a point about 5 miles west of Ogden, in the State of Utah, and a line of railroad including the railroad described in said eastern division mortgage, and extending from Kansas City, in the State of Missouri, westerly through the State of Kansas and into the State of Colorado to Denver, and from Denver, in the State of Colorado, in a northerly direction to Cheyenne, in the State of Wyoming.

EIGHTH. *Issue of eastern division bonds by railway company.*—That the said Union Pacific Railway Company, Eastern Division, pursuant to and under authority of and in compliance with the powers conferred upon it by the acts of the governor and legislative assembly of the Territory of Kansas, as well as of the said several acts of Congress, and pursuant to due corporate action, and for the purpose of providing means to construct and complete its railroad and telegraph line, with all the appendages and appurtenances thereto, did duly make, execute, and issue under its corporate seal, and did deliver to various persons, firms, and corporations, for value and for the considerations and purposes, and in the manner provided by its eastern division mortgage, hereinafter more fully described, its first-mortgage bonds, known as its eastern division mortgage bonds, to the number of 2,240, in the aggregate amount of $2,240,000, all of which bonds were as issued and delivered duly certified by the trustees named in such mortgage as therein provided, and all of which bonds are now outstanding, and in each of which bonds the said Union Pacific Railway Company, Eastern Division, promises to pay the sum of $1,000 to John Edgar Thomson and Henry M. Alexander, or to the bearer thereof, at its office in the city of New York, on the 1st day of August, 1895, and also interest thereon at the rate of 6 per centum per annum, payable semiannually in the gold coin of the United States, on the 1st days of February and August in each year, until the principal sum should be paid, on presentation at the same place of the interest coupons annexed thereto.

NINTH. *Execution of eastern division mortgage: Lien and priorities defined.*—That pursuant to and in accordance with the powers conferred upon it by said legislation, and pursuant to due corporate action and for the purpose of securing the payment of the principal and interest of the said bonds, and for other lawful considerations, the said Union Pacific Railway Company, Eastern Division, did duly make and execute under its corporate seal, and did deliver to John Edgar Thomson, of the city of Philadelphia, and Henry M. Alexander, of the city of New York, as trustees, a mortgage or deed of trust, dated August 1, 1865, hereinafter called the eastern division mortgage, wherein and whereby the said Union Pacific Railway Company, Eastern Division, did bargain, sell, transfer, and convey to John Edgar Thomson and Henry M. Alexander, as trustees, and to the survivors of them and their successors, and their and his assigns forever, the railroad, telegraph, property, and franchises in said mortgage, described as follows:

"All the said railroad and telegraph line from the Missouri River at the mouth of the Kansas River, on the south side thereof, and from Wyandotte in the State of Kansas west to and including 140 miles of said railroad from Wyandotte, as aforesaid, with the roadbed, superstructure, and all rails and other materials used therein or procured therefor, and all machinery, locomotives, cars and rolling stock, bridges, viaducts, culverts, fences, depots, sidings, and station grounds, telegraph poles, wire, telegraph instruments, and buildings erected thereon, and all rights therein, tolls and income, and any rights thereto or interests therein, together with the tolls and

income to be had or levied therefrom, and all the franchises, rights and privileges of the said Union Pacific Railway Company, Eastern Division, of, in, to, or concerning the same, whether the same is at present possessed or may in the future be acquired by said party of the first part."

The said John Edgar Thomson and Henry M. Alexander duly accepted said trust, and the said John Edgar Thomson continued to be and act as one of the trustees of said mortgage until his death in the year 1873. That thereafter and before the commencement of this suit John F. Dillon was duly appointed as successor trustee under said mortgage to said John Edgar Thomson and duly accepted said trust, and said Henry M. Alexander and John F. Dillon now are the trustees under said eastern d vision mortgage.

That said mortgage was duly recorded in all the recording offices or places of registration where the same was required by law to be recorded upon various dates prior to and in the month of April, 1866.

That the lien of the said eastern division mortgage is subject and subordinate to the right of the Government to have the preference, at all times, in the use, at fair and reasonable rates of compensation, not to exceed the amounts paid by private parties for the same kind of service, of the telegraph line and railroad embraced in said mortgage for the transmission of dispatches over said telegraph line and the transportation of mails, troops and munitions of war, supplies and public stores upon such railroad for the Government whenever required by any department thereof.

And the said eastern division mortgage is a lien subordinate and inferior to the title of the American Loan and Trust Company, as shown by the equipment trust indenture of the Union Pacific Railway Company to the said American Loan and Trust Company, dated October 1, 1887, to the extent and so far as the said indenture effects the portion of the equipment therein embraced, which is hereinafter decreed to pertain to the mortgaged premises covered by said eastern division mortgage, and to the extent of the purchase money indebtedness herein found to be outstanding, as recited in said equipment trust indenture.

That said eastern division mortgage is, with exceptions above stated and decreed, a valid and subsisting first mortgage and lien superior and paramount to any and every estate, right, title, interest or claim in or to the same or any part thereof of any person, party or corporation whatsoever, including the United States of America, upon all of the railroad, telegraph, premises, rights, franchises, lands and property described in said mortgage, including the railroad, right of way and railroad property of the Union Pacific Railway Company, extending from a point where the same connects with the tracks of the Union Depot Company in Kansas City, Mo., about fifty-one hundredths of a mile east of the State line, between the States of Kansas and Missouri, and extending westerly through the counties of Wyandotte, Leavenworth, Douglas, Jefferson, Shawnee, Pottawatomie, Riley and Geary, in the State of Kansas, to a point 140 miles west from said State line, being a point about 1.81 miles west from Junction City, Kans., including the spur or branch line extending from the point of junction with the main line at a point about sixteen one-hundredths of a mile east of Armstrong, Kans., in a northeasterly direction to a terminus near the corner of Water and Freeman streets, Wyandotte, Kans., a distance of 2.08 miles, in all constituting a total length of main track of 142.59 miles; also lots, yards, terminal grounds, shop grounds, station grounds, streets, alleys, and other tracts of land, tenements and hereditaments, easements and rights of way owned or acquired or appropriated by or for The Union Pacific Railway Company, or by or for said railway companies to whose rights and properties said The Union Pacific Railway Company has succeeded, for the purposes of said line of railroad, including all lands so acquired or appropriated, the title to which stands in the name of the trustees for said The Union Pacific Railway Company, also the shops, freight depots, office buildings, roundhouses, and other structures and facilities upon said premises, right of way, station, terminal and other grounds pertaining to or acquired for use in connection with said railway property; also the depots, engine houses, car houses, station houses, warehouses, machine shops, workshops, switches, turnouts, sidings, and spurs constructed for or used in connection with said line of railway, also the lands, interests, and easements in lands, pipes, pump houses, structures, pipe lines, appliances, facilities, and easements of said railway company pertaining to the water supply upon or along said line of railroad, and the tools, appliances, fixtures, materials, and supplies owned or acquired for the purposes thereof, also an undivided 10 per cent of all locomotives, passenger cars, Pullman sleeping cars, dining cars, freight cars, and other cars, and all other equipment and rolling stock owned by the Union Pacific Railway Company, and of all interest of said The Union Pacific Railway Company in any other equipment or rolling stock so owned or in which the said railway company has any interest so acquired or provided for or by said railway company for the purposes of said railroad and mortgaged premises or necessary for the running and operation thereof. Also all the lines of telegraph, telegraph material, instruments, fixtures, and appliances belonging to the said railway company and located upon or used in connection

with said mortgaged premises; also all furniture, fixtures, appliances, apparatus, supplies, and material owned, acquired, or provided by said company for use in connection with said mortgaged premises, located in the various offices of said railway company upon or remote from said mortgaged premises, and also all the property of said The Union Pacific Railway Company, and all its rights and interests in and to property of every kind and nature, whether of the character herein described or otherwise, and the corporate rights and franchises of said The Union Pacific Railway Company, Eastern Division, or its successor, The Union Pacific Railway Company, so far as the said property, rights, interests, and franchises pertain to the said mortgaged premises.

TENTH. *Default of railway company under eastern division mortgage.*—That the defendant The Union Pacific Railway Company, made default in the payment of all of the interest and of the coupons representing such interest which became due upon the said eastern division mortgage bonds on the 1st day of August, 1894, although payment of interest due on that date was duly demanded by holders of said coupons, and said The Union Pacific Railway Company, made default in the payment of the subsequent semiannual interest installments which fell due upon said bonds on February 1, 1895, and August 1, 1895, although the payment of each of said installments was duly demanded, but said semiannual interest installments were, under orders made by this court, paid by the receivers of the Union Pacific Railway Company, appointed in the case of Sage and Gould, trustees, complainants against The Union Pacific Railway Company, and others defendants, together with interest upon such installments, as follows:

The installment due on August 1, 1894, was paid by the said receivers on July 17, 1896.

The installment due on February 1, 1895, was paid by the said receivers on November 19, 1896.

The installment due on August 1, 1895, was paid by the said receivers on November 19, 1896.

That certain coupons upon said bonds have never been presented for payment and remain unpaid, and payment thereof has never been demanded or collected, and such unpresented and unpaid conpons amount to the sum of $2,273.61.

ELEVENTH. *Amount of mortgage debt.*—That all of the principal of said bonds became due and payable on August 1, 1895, and payment thereof was duly demanded, and that default was then made in the payment thereof, and that no part of the principal of said bonds was then, or has since been, paid, and that no part of the interest upon said bonds which has accrued since the 1st day of August, 1895, has been paid, and the following amounts are now due and payable at the date of this decree for principal of said outstanding eastern division mortgage bonds already matured and accrued interest thereon, viz:

For principal of bonds matured	$2,240,000.00
Interest on said principal sum from August 1, 1895	268,800.00
Interest on $67,200 of interest due February 1, 1896, from said date	6,048.00
Interest on $67,200 of interest due August 1, 1896, from said date	4,032.00
Interest on $67,200 of interest due February 1, 1897, from said date	2,016.00
Coupon due February 1, 1882	30.00
Interest and coupons maturing August 1, 1894, to August 1, 1895, with interest to date of payment of the several installments	2,273.61
Total amount due and payable	2,523,199.61

TWELFTH. *Issue of subsidy bonds by the United States; amount and lien thereof.*—That beginning on November 1, 1865, under and in pursuance of the Congressional legislation aforesaid, there were issued and delivered by the Secretary of the Treasury of the United States to said Union Pacific Railway Company, Eastern Division, for the purposes stated in said acts, bonds of the United States, hereinafter called subsidy bonds, in the total amount of $6,303,000, which bonds were each of the principal amount of $1,000, and were payable in thirty years after the date thereof, with interest at the rate of 6 per cent per annum, payable semiannually, in lawful money and legal tender of the United States, all of which bonds so issued and delivered were of the tenor and effect described in said acts of the Congress of the United States, approved July 1, 1862, and July 2, 1864, and were issued and delivered by the Secretary of the Treasury of the United States to the said railway company, as in the manner and upon the conditions and at about the times described in said acts, and the issue of said bonds and the delivery thereof to said company did, by force of law, ipso facto, constitute a mortgage of the whole line of the railroad and telegraph, together with the rolling stock, fixtures, and property of every kind and description, including all the rights, franchises, and appurtenances thereunto belonging, and in consideration of which said bonds were issued, which said lien of the United States was, by the provisions of the said act of Congress of July 2, 1864,

made subordinate to the lien of the mortgage authorized to be issued upon the said railway and telegraph line, being the mortgage sought to be foreclosed herein and to the lien of the bonds secured by said eastern division mortgage and issued thereunder, except as to such provisions of the sixth section of said act of July 1, 1862, which reserved to the United States a preference in the use of the said railroad and telegraph line for the transmission of dispatches and the transportation of mails, troops, munitions of war, supplies, and public stores for the Government of the United States at fair and reasonable rates of compensation, not to exceed the amounts paid by private parties for the same kind of service.

That the subsidy bonds of the United States so issued and delivered by the Secretary of the Treasury of the United States to the Union Pacific Railway Company, Eastern Division, in pursuance of the acts of Congress of the United States aforesaid, bore, respectively, the dates of issue, were issued in the respective amounts, matured at the respective dates, and bore interest from the respective dates, as appears in the following tabulated statement thereof, to wit:

Maturity of bond.	Date of issue.	Commencement of interest.	Amount.
November 1, 1895	Nov. 1, 1865	Nov. 1, 1865	$640,000
January 1, 1896	Jan. 1, 1866	Jan. 1, 1866	352,000
	May 8, 1866	May 8, 1866	368,000
	July 9, 1866	July 9, 1866	320,000
	Oct. 16, 1866	Oct. 15, 1866	400,000
January 1, 1897	Jan. 23, 1867	Jan. 23, 1867	400,000
	May 6, 1867	May 6, 1867	480,000
	June 11, 1867	June 10, 1867	400,000
	Aug. 13, 1867	Aug. 13, 1867	384,000
	Sept. 20, 1867	Sept. 20, 1867	400,000
	Oct. 26, 1867	Oct. 26, 1867	416,000
	Dec. 3, 1867	Dec. 3, 1867	320,000
January 1, 1898	Jan. 14, 1868	Jan. 14, 1868	480,000
	Apr. 28, 1868	Apr. 28, 1868	400,000
	June 6, 1868	June 6, 1868	320,000
	Nov. 5, 1868	Nov. 2, 1868	223,000
Total			6,303,000

That said subsidy bonds so issued by the United States to said railroad company were by said railroad company sold, and the proceeds of such sales were by said railroad company applied to its own use in aid of the construction and equipment of its said railroad.

THIRTEENTH. *Payments on subsidy debt by Government transportation.*—That under the provisions of said acts of Congress of July 1, 1862, and July 2, 1864, the United States, commencing in the year 1867, has continuously retained earnings of said railway company derived from the transportation of mails, troops, munitions of war, supplies and public stores for the Government of the United States upon said line of railway, in respect of which said subsidy bonds were issued as aforesaid and applied the same from time to time on account of the interest paid by the United States on said subsidy bonds issued by said United States to said railway company, which said sums, the said Union Pacific Railway Company, Eastern Division, and its said successor the Union Pacific Railway Company, were entitled to have credited towards a partial repayment of the interest paid by the United States upon said subsidy bonds, and further sums representing such earnings have been likewise retained by the United States which have been credited to the said The Union Pacific Railway Company, and with which said company is entitled to be credited but the extent whereof is incapable of exact statement at the time of this decree, but such credits have not exceeded the accumulation of the subsidy debt.

That the said United States of America duly entered their appearance and became parties defendant to this cause by action of the Attorney-General of the United States, duly had and taken on their behalf, pursuant to the authority provided by law and given by direction of the President of the United States.

FOURTEENTH. That of said subsidy bonds so issued and delivered by the United States to the said railway company $640,000 of the principal thereof matured and became due on the 1st day of November, 1895, and the same, together with all interest then due thereon, were then paid by the United States to the holders thereof; and $1,440,000 of the principal thereof matured on January 1, 1896, and the same, together with all interest then due thereon, was then paid by the United States to the holders thereof; and $2,800,000 of the principal thereof matured on January 1, 1897, and the same, together with all interest then due thereon, was then paid by the United States to the holders thereof.

with said mortgaged premises; also all furniture, fixtures, appliances, apparatus, supplies, and material owned, acquired, or provided by said company for use in connection with said mortgaged premises, located in the various offices of said railway company upon or remote from said mortgaged premises, and also all the property of said The Union Pacific Railway Company, and all its rights and interests in and to property of every kind and nature, whether of the character herein described or otherwise, and the corporate rights and franchises of said The Union Pacific Railway Company, Eastern Division, or its successor, The Union Pacific Railway Company, so far as the said property, rights, interests, and franchises pertain to the said mortgaged premises.

TENTH. *Default of railway company under eastern division mortgage.*—That the defendant The Union Pacific Railway Company, made default in the payment of all of the interest and of the coupons representing such interest which became due upon the said eastern division mortgage bonds on the 1st day of August, 1894, although payment of interest due on that date was duly demanded by holders of said coupons, and said The Union Pacific Railway Company, made default in the payment of the subsequent semiannual interest installments which fell due upon said bonds on February 1, 1895, and August 1, 1895, although the payment of each of said installments was duly demanded, but said semiannual interest installments were, under orders made by this court, paid by the receivers of the Union Pacific Railway Company, appointed in the case of Sage and Gould, trustees, complainants against The Union Pacific Railway Company, and others defendants, together with interest upon such installments, as follows:

The installment due on August 1, 1894, was paid by the said receivers on July 17, 1896.

The installment due on February 1, 1895, was paid by the said receivers on November 19, 1896.

The installment due on August 1, 1895, was paid by the said receivers on November 19, 1896.

That certain coupons upon said bonds have never been presented for payment and remain unpaid, and payment thereof has never been demanded or collected, and such unpresented and unpaid coupons amount to the sum of $2,273.61.

ELEVENTH. *Amount of mortgage debt.*—That all of the principal of said bonds became due and payable on August 1, 1895, and payment thereof was duly demanded, and that default was then made in the payment thereof, and that no part of the principal of said bonds was then, or has since been, paid, and that no part of the interest upon said bonds which has accrued since the 1st day of August, 1895, has been paid, and the following amounts are now due and payable at the date of this decree for principal of said outstanding eastern division mortgage bonds already matured and accrued interest thereon, viz:

For principal of bonds matured	$2,240,000.00
Interest on said principal sum from August 1, 1895	268,800.00
Interest on $67,200 of interest due February 1, 1896, from said date	6,048.00
Interest on $67,200 of interest due August 1, 1896, from said date	4,032.00
Interest on $67,200 of interest due February 1, 1897, from said date	2,016.00
Coupon due February 1, 1882	30.00
Interest and coupons maturing August 1, 1894, to August 1, 1895, with interest to date of payment of the several installments	2,273.61
Total amount due and payable	2,523,199.61

TWELFTH. *Issue of subsidy bonds by the United States; amount and lien thereof.*—That beginning on November 1, 1865, under and in pursuance of the Congressional legislation aforesaid, there were issued and delivered by the Secretary of the Treasury of the United States to said Union Pacific Railway Company, Eastern Division, for the purposes stated in said acts, bonds of the United States, hereinafter called subsidy bonds, in the total amount of $6,303,000, which bonds were each of the principal amount of $1,000, and were payable in thirty years after the date thereof, with interest at the rate of 6 per cent per annum, payable semiannually, in lawful money and legal tender of the United States, all of which bonds so issued and delivered were of the tenor and effect described in said acts of the Congress of the United States, approved July 1, 1862, and July 2, 1864, and were issued and delivered by the Secretary of the Treasury of the United States to the said railway company, as in the manner and upon the conditions and at about the times described in said acts, and the issue of said bonds and the delivery thereof to said company did, by force of law, ipso facto, constitute a mortgage of the whole line of the railroad and telegraph, together with the rolling stock, fixtures, and property of every kind and description, including all the rights, franchises, and appurtenances thereunto belonging, and in consideration of which said bonds were issued, which said lien of the United States was, by the provisions of the said act of Congress of July 2, 1864,

made subordinate to the lien of the mortgage authorized to be issued upon the said railway and telegraph line, being the mortgage sought to be foreclosed herein and to the lien of the bonds secured by said eastern division mortgage and issued thereunder, except as to such provisions of the sixth section of said act of July 1, 1862, which reserved to the United States a preference in the use of the said railroad and telegraph line for the transmission of dispatches and the transportation of mails, troops, munitions of war, supplies, and public stores for the Government of the United States at fair and reasonable rates of compensation, not to exceed the amounts paid by private parties for the same kind of service.

That the subsidy bonds of the United States so issued and delivered by the Secretary of the Treasury of the United States to the Union Pacific Railway Company, Eastern Division, in pursuance of the acts of Congress of the United States aforesaid, bore, respectively, the dates of issue, were issued in the respective amounts, matured at the respective dates, and bore interest from the respective dates, as appears in the following tabulated statement thereof, to wit:

Maturity of bond.	Date of issue.	Commencement of interest.	Amount.
November 1, 1895	Nov. 1, 1865	Nov. 1, 1865	$640,000
January 1, 1896	Jan. 1, 1866	Jan. 1, 1866	352,000
	May 8, 1866	May 8, 1866	368,000
	July 9, 1866	July 9, 1866	320,000
	Oct. 16, 1866	Oct. 15, 1866	400,000
January 1, 1897	Jan. 23, 1867	Jan. 23, 1867	400,000
	May 6, 1867	May 6, 1867	480,000
	June 11, 1867	June 10, 1867	400,000
	Aug. 13, 1867	Aug. 13, 1867	384,000
	Sept. 20 1867	Sept. 20, 1867	400,000
	Oct. 26. 1867	Oct. 26, 1867	416,000
	Dec. 3, 1867	Dec. 3, 1867	320,000
January 1, 1898	Jan. 14, 1868	Jan. 14, 1868	480,000
	Apr. 28, 1868	Apr. 28, 1868	400,000
	June 6, 1868	June 6, 1868	320,000
	Nov. 5, 1868	Nov. 2, 1868	223,000
Total			6,303,000

That said subsidy bonds so issued by the United States to said railroad company were by said railroad company sold, and the proceeds of such sales were by said railroad company applied to its own use in aid of the construction and equipment of its said railroad.

THIRTEENTH. *Payments on subsidy debt by Government transportation.*—That under the provisions of said acts of Congress of July 1, 1862, and July 2, 1864, the United States, commencing in the year 1867, has continuously retained earnings of said railway company derived from the transportation of mails, troops, munitions of war, supplies and public stores for the Government of the United States upon said line of railway, in respect of which said subsidy bonds were issued as aforesaid and applied the same from time to time on account of the interest paid by the United States on said subsidy bonds issued by said United States to said railway company, which said sums, the said Union Pacific Railway Company, Eastern Division, and its said successor the Union Pacific Railway Company, were entitled to have credited towards a partial repayment of the interest paid by the United States upon said subsidy bonds, and further sums representing such earnings have been likewise retained by the United States which have been credited to the said The Union Pacific Railway Company, and with which said company is entitled to be credited but the extent whereof is incapable of exact statement at the time of this decree, but such credits have not exceeded the accumulation of the subsidy debt.

That the said United States of America duly entered their appearance and became parties defendant to this cause by action of the Attorney-General of the United States, duly had and taken on their behalf, pursuant to the authority provided by law and given by direction of the President of the United States.

FOURTEENTH. That of said subsidy bonds so issued and delivered by the United States to the said railway company $640,000 of the principal thereof matured and became due on the 1st day of November, 1895, and the same, together with all interest then due thereon, were then paid by the United States to the holders thereof; and $1,440,000 of the principal thereof matured on January 1, 1896, and the same, together with all interest then due thereon, was then paid by the United States to the holders thereof; and $2,800,000 of the principal thereof matured on January 1, 1897, and the same, together with all interest then due thereon, was then paid by the United States to the holders thereof.

$1,423,000 of the said subsidy bonds of the United States remain outstanding and unpaid and will mature on and after January 1, 1898.

That all of the interest on all of said subsidy bonds of the United States has been paid by the United States from time to time as the same has matured.

That the indebtedness of the said Union Pacific Railway Company, Eastern Division, secured by said subsidy lien and which has matured and is now due to the United States for the repayment of the amounts paid by the United States upon the principal of said matured subsidy bonds and for repayment of the interest paid by the United States upon said matured subsidy bonds in excess of the amount of said bond and interest account applied as aforesaid to the payment of said interest is, stated as of April 1, 1897, as follows:

Principal	$4,880,000.00
Balance of interest account	6,588,900.19
Total	11,468,900.19

FIFTEENTH. *Execution of income mortgage.*—That the Union Pacific Railway Company, Eastern Division, to enable it to construct its railway, under and pursuant to due corporate action, and as thereunto authorized by law, executed on or about July 1, 1866, to Carlos S. Greeley and Adolphus Meier, as trustees, its certain indenture, or deed of trust, known as the Union Pacific Railway Company, Eastern Division, income mortgage, bearing the date aforesaid, wherein and whereby it conveyed the property and premises covered by and embraced in the said eastern division mortgage, together with other property, as security for a certain issue of income bonds of said railway company, and that there are now outstanding and unpaid of said income bonds the principal amount of $4,275,350, and that the defendant The American Loan and Trust Company is the present trustee under said mortgage.

SIXTEENTH. *Execution of Denver extension mortgage.*—That on or about the 20th day of June, 1869, the said Kansas Pacific Railway Company executed to John Edgar Thomson, Adolphus Meier, and John A. Stewart, as trustees, a certain indenture or deed of trust known as the Denver Extension mortgage, and on the 9th day of April, 1879, executed to said trustees a mortgage supplemental thereto, and in and by said indentures conveyed and mortgaged to said trustees the property and premises herein described as subject to the mortgage of the complainants herein, with other property, as security for an issue of bonds known as Denver Extension first-mortgage bonds in the amount of $6,500,000; that there are now outstanding and unpaid of said bonds the principal amount of $5,887,000, together with certain installments of interest thereon, of which bonds the principal amount of $1,872,000 are held in the sinking fund under said Denver extension mortgage by the trustees thereof.

The said John Edgar Thomson and Adolphus Meier afterwards died, and August Rutten and the defendant William Endicott, jr., were appointed successor trustees in their stead; that thereafter August Rutten died, and the defendants John A. Stewart and William Endicott, jr., are now trustees under said mortgage.

SEVENTEENTH. *Execution of consolidated mortgage.*—That on about the 1st day of May, 1879, the said Kansas Pacific Railway Company executed to Jay Gould and the defendant Russell Sage, as trustees, its indenture or deed of trust known as the consolidated first mortgage of said railway company, bearing date on said day, wherein and whereby it conveyed and mortgaged the property and premises herein described as subject to the mortgage complained upon herein, with other property, as security for an issue of bonds known as consolidated first-mortgage bonds of said railway company which were issued thereunder in the principal amount of $16,463,000, and that there are now outstanding and unpaid of said bonds the principal amount of $11,724,000, together with certain installments of interest thereon.

That said Jay Gould thereafter died, and that the defendant George J. Gould was, in February, 1893, duly appointed as successor trustee in his stead, and that said Russell Sage and George J. Gould are now the trustees under said mortgage.

That on or about the 16th day of July, 1894, the said Sage and Gould, trustees as aforesaid, exhibited their bill of complaint in equity in this court to foreclose the said consolidated first mortgage whereof they are trustees, and such proceedings were thereupon had that the court appointed in said cause S. H. H. Clark, Oliver W. Mink, E. Ellery Anderson, John W. Doane, and Frederic R. Coudert receivers, who duly qualified under such appointment and entered upon the possession of the said mortgaged premises and the operation of the railroad embraced therein, and are still in possession of and operating the same.

EIGHTEENTH. *Execution of Kansas Division and collateral mortgage.*—That on about the 1st day of May, 1891, the Union Pacific Railway Company executed to the Mercantile Trust Company of New York, as trustee, its mortgage or deed of trust known as its Kansas Division and collateral mortgage, bearing said date, whereby it conveyed and mortgaged the property described herein as subject to the mortgage of the complainants herein, with other property, as security for an issue of bonds

under said mortgage to the extent of $5,000,000; that there are now outstanding and unpaid of said bonds the principal amount of $5,000,000, together with certain installments of interest thereon.

NINETEENTH. *Equipment trust indenture.*—That the Union Pacific Railway Company made and delivered its trust indenture, dated October 1, 1887, to the American Loan and Trust Company, of Boston, as trustee, whereby it was, among other things, agreed that to enable said The Union Pacific Railway Company to purchase cars and engines for use upon its lines of railway and to pay for the same, the cars and engines so to be purchased should be transferred to and vested in said trustee under said indenture by the several parties from whom the same should be purchased, so that said trustee and its successors and assigns should stand possessed of said cars and engines until payment of the principal and interest of the bonds issued in respect thereto should be made by said railway company under and in accordance with the provisions and requirements of said trust indenture, permitting said railway company to use and enjoy said cars and engines until default should be made in the payment of its obligations under said trust indenture and the bonds secured thereby.

That under said trust indenture said railway company made and issued its certain bonds, each in the sum of $1,000, bearing interest at the rate of 5 per cent per annum, which interest was payable semiannually, and evidenced by coupons attached to said bonds; that such bonds were so issued in three series, namely, A, B, and C;

Of which the Series A bonds, in number 716 and in amount $716,000, were dated October 1, 1887;

And of which Series B bonds, in number from 717 to 2820, both inclusive, and in amount $2,104,000, were dated April 1, 1888;

And of which Series C bonds, in number 810, and in amount $810,000, were dated April 1, 1890.

That all of said Series A bonds have been paid, with interest thereon, except the amount of $72,000, with interest upon said amount from the 1st day of April, 1897; that the principal of said bonds will fall due on October 1, 1897.

That all of said Series B bonds have been paid, with the interest thereon, except the amount of $210,000, with interest thereon from April 1, 1897; that the principal of said bonds will fall due April 1, 1898.

That all of said Series C bonds have been paid, with interest thereon, except the amount of $225,000, with interest thereon from April 1, 1897; that $76,000 of the principal of said bonds will fall due April 1, 1898; that $75,000 of the principal of said bonds will fall due April 1, 1899; that $74,000 of the principal of said bonds will fall due April 1, 1900.

That said The Union Pacific Railway Company entered into an agreement with said American Loan and Trust Company, as trustee under said equipment trust indenture, dated February 1, 1893, recognizing and affirming said equipment trust indenture of October 1, 1887, as to the amounts of principal and interest upon the bonds secured thereby then remaining unpaid and in respect to the equipment then existing upon which such bonds were secured in said three several series as described in said original trust indenture.

TWENTIETH. *Railway company insolvent; property indivisible.*—That in addition to the sums hereinbefore found to be due from and owing by said defendant railway company, said company is indebted in large sums the payment whereof is overdue, and it has made default in the payment thereof and is unable to pay the same and is wholly insolvent, and it is for the best interests of all concerned that all the said railroad, properties and franchises, rights, functions, immunities, and appurtenances of the said railway company embraced in and covered by the lien of the complainants should be sold, and that the provisions hereof be made for the payment of the indebtedness of said railway company according to the respective liens and equities of the holders thereof; that the railroad, telegraph, appurtenances, rolling stock, equipment, and other property and franchises, rights, functions, immunities, and appurtenances of said defendant railway company embraced in said Eastern Division mortgage are indivisible and so situated and are of such a nature that the same can not be sold in parcels without great injury to all the parties in interest, and that it is expedient that the same shall be sold as an entirety, as hereinafter provided.

TWENTY-FIRST. *Payment decreed.—It is further ordered, adjudged, and decreed,* That the defendant The Union Pacific Railway Company pay, or cause to be paid, within twenty days after the entry of this decree, to the said Henry M. Alexander and John F. Dillon, trustees, for the use and benefit of the holders of the eastern division mortgage bonds and coupons of the Union Pacific Railway Company, Eastern Division, issued under and secured by said mortgage of August 1, 1865, the amount hereinbefore found to be due for principal and interest on said bonds, namely, the sum of $2,523,199.61, with interest thereon from the date of this decree to the date of payment at the rate of 6 per cent per annum.

Upon payment of the said amount of $2,523,199.61 to the trustees of the said eastern division mortgage, the same shall be distributed among the respective holders

of said bonds and coupons in payment of the principal sums and interest herein found due and decreed to be paid.

In case the said amount shall be paid or caused to be paid by the Union Pacific Railway Company as herein decreed, then any of the parties to this suit may apply to this court for such further relief and for such further directions as may be just and equitable.

TWENTY-SECOND. *Foreclosure and sale ordered.—It is further ordered, adjudged, and decreed,* That in default of such payments by the defendant the said The Union Pacific Railway Company, or by some one claiming under it, or by some one for its own account, or by some of the defendants to this cause, within the time directed as aforesaid, all the railroad, telegraph, franchises, rights, functions, immunities and appurtenances to the same belonging, rolling stock and property of every kind and description embraced in and covered by said eastern division mortgage of August 1, 1865, as hereinbefore described, shall be sold as hereinafter directed, and all the right, title, estate, interest, and equity of redemption of the said defendant The Union Pacific Railway Company, and of all persons claiming, or to claim, under it, and of Henry M. Alexander and John F. Dillon, trustees, complainants herein, and of each and every defendant to this cause, except the rights of said receivers in possession of said mortgaged premises to compensation for services rendered and the payment of expenses and liabilities incurred in operating the railroad and telegraph of, in, or to the said railroad, telegraph, franchises, rolling stock and property, and every part and parcel thereof, embraced in and covered by said mortgage, shall be forever absolutely barred and foreclosed, saving only the rights herein expressly excepted and reserved.

The said property covered by and embraced in said eastern division mortgage, as the same is hereinbefore described and defined, shall be sold upon the conditions and in the manner hereinafter provided and directed, at public auction to the highest bidder or bidders, upon the mortgaged premises, at the passenger station of the Union Pacific Railway Company in the city of Topeka, in the State of Kansas, on a day or days to be fixed by the special master hereinafter appointed, and public notice of such sale and the time and place thereof, together with the manner and the terms upon which the said sale is to be conducted, shall be given by the said special master by advertisement, which shall describe briefly the property to be sold, the time and place, when and where the sale is to take place, and the conditions upon which it is to be conducted; which advertisement shall be published at least once in each week for the term of four successive weeks preceding the day of sale, in at least one newspaper in each of the following cities, namely, New York City, N. Y., and Topeka, Kans.

TWENTY-THIRD. *Manner and terms of sale.*—Said sale shall be made in the following manner and upon the following terms:

Said mortgaged property shall be sold as an entirety and in one parcel.

The special master shall have the power and right to postpone the said sale from time to time, and may, without further notice, proceed with said sale on any day to which the sale may have been adjourned, and may, at his option, give such further notice of sale, in addition to the notice above described, as he may think proper.

The special master shall receive no bid from any one offering to bid who shall not have deposited with him, at his office in Omaha, Nebr., at least five days before the date of sale mentioned in the special master's published notice, as a pledge that he will make good his bid in case of its acceptance, the sum of $200,000, at least one-half of which shall be in cash and the rest may be in eastern division bonds.

The special master shall accept no bid for said railroad, franchises, and property less than the sum of $4,500,000, and, unless such sum shall be bid, the special master may adjourn the sale and apply to the court for further instructions.

Upon the acceptance of any bid, the person or persons making the same shall forthwith deposit with the special master, on account thereof, a further sum equal to 10 per cent of the accepted bid in cash; but any cash and bonds which may have been previously deposited by the successful bidder as a pledge that he would make and make good his bid, shall be received on account of the amount so required of him to be deposited, as aforesaid, on the acceptance of his bid.

In case any bidder or purchaser shall fail to make good his bid upon its acceptance by the special master, or shall fail to pay, as hereinafter provided, the balance due upon his said bid in consummation of his purchase, then the sums in cash and bonds deposited by such bidder or purchaser, as hereinbefore provided, shall be forfeited as a penalty for such failure, and shall be applied toward payment of the expenses of a resale and toward making good any deficiency or loss in case the property shall be sold at a less price upon such resale, and to any other and further purposes which the court may direct.

Any party to this cause or any holder or holders of any of said eastern division mortgage bonds may bid and purchase at such sale.

If any sale for which a deposit has been made shall not be confirmed by the court such deposit shall be returned to the bidder, and the deposit of any unsuccessful bidder shall be returned to him when a bid has been accepted.

TWENTY-FOURTH. *Payments by the purchaser.*—The purchaser whose bid shall have been accepted by the special master at said sale shall make payments in cash, or in cash and eastern division bonds and unpaid coupons of the sum remaining due upon his said bid after the application thereto of the amounts theretofore deposited by him, as follows:

Twenty-five per cent of said amount so remaining due on said bid shall be paid within thirty days after the confirmation of the sale; a further 25 per cent of said amount shall be paid within forty days after such confirmation; a further 25 per cent of said amount shall be paid within fifty days after such confirmation; and a further 25 per cent of said amount shall be paid within sixty days after such confirmation: *Provided, however,* That the purchaser shall have the right to anticipate all or either of said payments by making the same, or any of them, at an earlier time, or earlier times, than herein fixed.

Said eastern division mortgage bonds and unpaid coupons, to the extent that they shall be tendered to the master in payment of said bid, shall be accepted and taken by him in such payment at the par value thereof, together with interest unpaid and accrued thereon to the date of this decree, and such purchaser shall be credited therefor, on account of the purchase price, such sum in cash as shall be represented by the principal of said bonds and coupons and such unpaid and accrued interest thereon, and said bonds and coupons shall be canceled by the master if used for payment.

Such part of the purchase price as shall not be paid in said eastern division mortgage bonds shall be paid in cash.

The master may, in his discretion, accept temporarily, instead of the manual delivery of the bonds and coupons, the certificate of any trust company which he may select or certificate of the Secretary of the Treasury that it or he holds bonds secured by the eastern division mortgage subject to the order of the master and will deliver them to him on demand for cancellation or other disposition.

The court reserves the right to resell the property upon such notice as the court shall direct in case the purchaser shall fail or omit to make any payment on account of any balance of the purchase price as herein provided.

TWENTY-FIFTH. *What cash payments shall include.*—The payments to be made in cash under the provisions and requirements of this decree shall include a sum of money equivalent to the principal amount of all outstanding eastern division mortgage bonds and coupons which shall not be presented to the special master in partial payment and on account of the bid of the purchaser, together with the interest accrued upon said unpresented bonds and coupons to the date of this decree.

Any deposits or payments provided or required by the terms of this decree to be made in cash may be made by delivery of a certified check of or on any national bank or trust company which is satisfactory to the special master.

TWENTY-SIXTH. *Obligations assumed by the purchaser.*—The purchaser or purchasers, or his or their successors or assigns, shall, as part consideration and purchase price of the property purchased, and in addition to the sums heretofore required to be paid, and paid, take the same and receive the deed therefor upon the express condition that he or they, or his or their successors or assigns, shall pay, satisfy, and discharge:

1. All the proper costs of this cause and all the expenses of the sale hereunder, including the compensation and necessary expenses of the special master appointed to make the sale.

2. The charges, compensation, allowances, and disbursements of the complainants, their solicitors and counsel in this cause, as the same shall be hereafter fixed and allowed by the court or under its direction.

3. A sum equivalent to interest at the rate of 6 per cent per annum, from the date of this decree to a date of payment to be fixed by the special master upon the entire amount of eastern division mortgage bonds and coupons which shall not have been presented by the purchaser on account of his bid.

4. Any balance which may be required to pay the compensation of the said receivers for their services rendered and their expenses and liabilities incurred in operating the mortgaged railroad and telegraph after applying to the payment thereof the income they shall have derived therefrom.

As soon as practicable after the confirmation of the sale the special master shall, by notice to the purchaser, fix a time for the payment of the sums due at the date so fixed on bonds and coupons not used on account of the purchaser's bid or otherwise paid before said date. The purchaser shall, prior to or at such date, furnish the master with a sum of money equivalent to the interest on such unpresented bonds and coupons from the date of this decree to the date of such payment fixed by the master. The master shall also give public notice of the time when, and the

place where, he will be prepared to make such payment by publication at least once a week for two successive weeks in a newspaper published in each of the following cities, namely: New York and Topeka; and no holder of any claims to bonds or coupons, for the payment of which notice shall have been so given, who shall fail to present the same for payment at the time and place specified shall be entitled to the payment of any interest thereon after that date out of the proceeds of such sale or the additional sum furnished to the master by the purchaser, as aforesaid.

The master shall pay, stamp paid and cancel the eastern division mortgage bonds and coupons presented to him for payment after such notice on or before the date of payment named therein, and shall thereupon deposit in the registry of this court the portion of the purchased price of said mortgaged premises which is applicable to the payment of those bonds and coupons which have not been presented to him, either in payment of the bid or for payment in cash, together with 1 per cent of such amount for clerk's fees which shall be paid to him by the purchaser, his successors, or assigns, as a part of the costs herein.

The master shall report what bonds and coupons have not been presented to him for cancellation and the amount of the said deposit applicable to the payment thereof, and the clerk of the court shall, thereafter, on the customary order of the court, pay, stamp paid and cancel any of such unpresented bonds and coupons which are presented to him for payment.

TWENTY-SEVENTH. *Ib. Mode of enforcement.*—In the event that the said purchaser or purchasers, or his or their assigns, shall refuse, after demand, to pay any indebtedness or liability, subject to which the mortgaged premises are sold under this decree, the person holding the claim therefor, when established by a court of competent jurisdiction, may, upon fifteen days' notice to said purchaser or purchasers, his or their successors or assigns, file his petition in this court to have the said claim enforced against the property aforesaid in accordance with the usual practice in claims of a similar character; and such purchaser or purchasers, his or their successors or assigns, shall have the right to appear and make defense to any claim, debt, or demand so sought to be enforced, and either party shall have the right to appeal from any judgment, decree, or order made thereon or with respect thereto. Jurisdiction of this cause is retained by this court for the purpose of the foregoing provisions of this decree, and the court reserves the right to retake and resell said property in case the purchaser or purchasers, his or their successors or assigns, shall fail to comply with any order of this court in respect to the payment of such prior indebtedness or liability within thirty days after service of a copy of such judgment, decree, or order requiring such payment, subject, however, to all rights of appeal and stay of proceedings provided by law or which are hereinafter set forth.

Such purchaser or purchasers, and his or their successors or assigns, shall have the right to enter his or their appearance in this court or in any other court, and he or they or any of the parties to this cause shall have the right to contest any claim, demand, or allowance existing at the time of the sale, then undetermined, or any claim or demand which may arise or be presented thereafter which would be payable by such purchaser or purchasers, his or their successors or assigns, or which would be chargeable against the property purchased in addition to the amount paid by said purchasers at such sale, and may appeal from any decision relating to any such claim, demand, or allowance, and shall have and enjoy all rights to stay or supersedeas as fully as if a party thereto.

TWENTY-EIGHTH. *Application of proceeds of sale.—It is further ordered, adjudged, and decreed,* That the funds arising from the sale of the said property and premises shall be applied as follows:

1. To the payment of the said eastern division bonds and coupons and interest to the date of this decree.

2. To the payment of the amount owing to the United States, whether due or not, secured by its subsidy lien until said subsidy debt is paid in full and the surplus, if any, shall be distributed by subsequent orders of the court: *Provided, however,* That in the event that a sale shall be made under any decree rendered in the case of the United States of America against the Union Pacific Railway Company and others, pending in this court, to enforce the subsidy lien of the United States before any sale under this decree, and if such sale under the decree in the case of United States against the Union Pacific Railway Company and others shall be confirmed, then any surplus of the purchase money for the property and premises sold under the decree in this cause, after the payment in full of the first mortgage debt, shall be paid to the master for account of the purchaser or purchasers at such sale under said subsidy lien in the said suit of the United States against the Union Pacific Railway Company and others, and shall be paid over to such purchaser or purchasers, or his or their assigns, on proper application and order of the court therefor.

The successful bidder shall pay to the master in first mortgage bonds and cash, or one of them, an amount sufficient to pay all the eastern division mortgage bonds and interest to the date of this decree, and if the balance of his bid is applicable under

the preceding provision hereof to the payment to the United States of the subsidy debt, the purchaser may pay such balance to the master or to the United States, and the receipt of the Secretary of the Treasury, or his proper subordinate, for any part of such balance shall be sufficient evidence of its payment.

TWENTY-NINTH. *Master's deed; its effect.—It is further ordered, adjudged, and decreed,* That upon payment of the purchase price by the purchaser or purchasers of said property, or upon the making of such provision for the payment thereof as the court shall approve, the said special master making the sale shall execute and deliver a good and sufficient deed or deeds conveying the property purchased to such purchaser or purchasers, or his or their successors or assigns, subject to the possession and rights of the receivers and their creditors hereinbefore reserved, and upon the execution and delivery of said deed or deeds the grantee or grantees thereunder shall be entitled to the possession of the mortgaged premises as against all parties except the said receivers, and they may apply to this court for possession from the receivers, and when such application is granted the said receivers and any party to this cause who is in possession of any of the same, shall deliver such property over to the purchaser or purchasers, his or their successors or assigns, together with any property acquired by the said receivers appertaining to the line of railroad in said mortgage mentioned, that has not been applied, or shall not be otherwise applied, in pursuance of the orders of this court. Such possession shall, nevertheless, be subject to the condition that this court may retake and resell the property conveyed, in case the purchaser or purchasers, his or their successors or assigns, shall fail to pay any balance of the purchase price remaining unpaid, or to comply with any other provision contained in this decree.

The purchaser or purchasers, and his or their successors or assigns, shall, after such delivery of the premises and property, hold, enjoy, and possess the same, and all the rights, privileges, immunities and franchises thereto appertaining, as fully and completely as the defendant The Union Pacific Railway Company has heretofore held, owned, or enjoyed or now holds, owns, or enjoys the same, subject only to the liabilities assumed by the purchaser under this decree, and the purchaser or purchasers and his or their successors and assigns shall thereupon be entitled to have and to hold the said premises so conveyed by a full, absolute, and indefeasible title, freed and discharged from all the mortgages, liens, claims, and charges of each and every defendant herein and of all parties to this cause, saving and excepting only the right of the Government to have the preference at all times in the use at fair and reasonable rates of compensation, not to exceed the amounts paid by private parties for the same kind of service, of the telegraph line and railroad for the transmission of dispatches over said telegraph line and the transportation of mails, troops and munitions of war, supplies and public stores upon said railroad for the Government whenever required by any department thereof, and the rights of those parties whose claims are assumed by the purchaser in this decree; and said purchaser or purchasers, and his or their successors or assigns, after such delivery of the premises and property, shall have, receive, hold, and enjoy all the earnings, income, and proceeds of the operation, use, or disposition thereof, and all compensation for the transmission of dispatches over said telegraph line and the transportation of any persons or property over said railroad for any persons, party, or corporation, including the Government of the United States, freed and discharged from all the liens, claims, and charges of each and every defendant herein and of all parties to this cause and those claiming under them.

THIRTIETH. *Deed by railway company and trustees.*—The defendant The Union Pacific Railway Company shall at the time of the execution of the said deed by said special master, as a further assurance to the purchaser or purchasers, execute the deed, or join with said special master in the execution of the deed to be made by him, and shall thereby convey and release to the purchaser or purchasers and his or their successors or assigns all its right, title, and interest in and to the property conveyed by said special master to the said purchaser or purchasers.

The said complainants Henry M. Alexander and John F. Dillon, as trustees under said eastern division mortgage, hereby foreclosed, shall likewise, at the time of the execution of said deed or deeds by the special master, transfer and release to such purchaser or purchasers and his or their successors or assigns all their right, title, and interest under the said eastern division mortgage in and to the property so conveyed; and the said receivers shall make and deliver a sufficient deed, conveying and assigning to the purchaser or purchasers and his or their successors or assigns all their right, title, and interest in, of, or to any property vested or standing in their names or to which they have acquired title as such receivers in the management and operation of the premises covered by and embraced in said eastern division mortgage so far as the same may be appurtenant to said premises.

THIRTY-FIRST. *Re deficiency judgment.—It is further ordered, adjudged, and decreed,* That in case the proceeds of such sale shall not be sufficient to pay in full the amount hereinbefore found to be due upon said eastern division bonds and coupons,

then the said special master shall report to the court the amount of the deficiency, and upon the confirmation of said report said complainants as trustees under said eastern division mortgage shall have judgment against the defendant The Union Pacific Railway Company for the amount of the deficiency due upon said bonds and coupons and shall have execution therefor pursuant to the rules and practice of this court.

THIRTY-SECOND. *Special master appointed.—It is further ordered, adjudged, and decreed,* That William D. Cornish, of St. Paul, Minn., be, and he is hereby, appointed special master to execute this decree and make the sales herein provided to be made, and to execute and deliver the deeds of conveyance of the property sold to the purchaser or purchasers thereof upon confirmation of said sales and payment of the purchase price thereof, as herein provided, and this court reserves the right at any time to appoint another master with the same powers as the one herein appointed, in case of the inability for any reason of the special master herein appointed to act or perform the duties of his office or in reference to his office. As soon as any sale has been made by such special master in pursuance of this decree he shall report the same to this court for confirmation, and shall from time to time thereafter make such further and supplemental reports as shall be necessary to keep the court and the parties to this cause properly advised of his proceedings in the execution of this decree.

THIRTY-THIRD. *Matters reserved.—It is further ordered, adjudged, and decreed,* That all questions, issues, matters, and things not hereby disposed of are reserved by this court for its future adjudication; and that any party to this cause may at any time apply to this court for further relief at the foot of this decree in respect to matters not herein specifically provided for.

WALTER H. SANBORN,
United States Circuit Judge, Eighth Circuit.

At a circuit court of the United States held in and for the district of Kansas, in the city of Leavenworth, on the 30th day of July, 1897.

Present, Hon. Walter H. Sanborn, circuit judge.

JOHN A. STEWART AND WILLIAM ENDICOTT, JUNIOR, as trustees under the mortgages of the Kansas Pacific Railway Company, dated respectively June 20, 1869, and April 9, 1879, and John F. Dillon and the said John A. Stewart, as substituted trustees under the mortgage dated June 1, 1866, made by the Union Pacific Railway Company, Eastern Division, complainants, *v.* THE UNION PACIFIC RAILWAY COMPANY, RUSSELL SAGE and George J. Gould, as trustees under the mortgage of May 1st, 1879, executed by said Kansas Pacific Railway Company; The Mercantile Trust Company, as trustee under the mortgage of May 1, 1891, executed by the said Union Pacific Railway Company; Silas H. H. Clark, Oliver W. Mink, E. Ellery Anderson, John W. Doane, and Frederic R. Coudert, as receivers of the property and franchises of said The Union Pacific Railway Company, and the United States of America, defendants.	Foreclosure decree. Middle Division first mortgage.

FINAL DECREE.

This cause came on to be heard upon the bill of complaint of John A. Stewart and William Endicott, junior, trustees, complainants, and upon the answers of The Union Pacific Railway Company, Russell Sage and George J. Gould, trustees; The Mercantile Trust Company, trustee, Silas H. H. Clark, Oliver W. Mink, E. Ellery Anderson, John W. Doane, and Frederic R. Coudert, receivers, and the United States of America, and upon the replications to said answers, respectively, and upon the proofs in said cause and the report therein of William D. Cornish, special master, to whom said cause was referred by order dated April 5, 1897, which report was filed in said cause on the 30th day of July, 1897, and upon all the papers and proceedings in said cause, and the same was argued by counsel, and the court being fully advised in the premises and due deliberation being had—

On motion of Edward W. Sheldon, solicitor for the complainants, said The Union Pacific Railway Company appearing by W. R. Kelly, its solicitor; Russell Sage and George J. Gould, trustees, appearing by Winslow S. Pierce and Rossington, Smith

and Dallas, their solicitors; The Mercantile Trust Company, trustee, appearing by Alexander & Greene, its solicitors; Silas H. H. Clark, Oliver W. Mink, E. Ellery Anderson, Frederic R. Coudert, and John W. Doane, appearing by W. R. Kelly, their general solicitor, and the United States of America appearing by the Attorney-General and by George Hoadly, special assistant to the Attorney-General, and John C. Cowin, special counsel for the United States, it is

Ordered, adjudged, and decreed:

FIRST. *Exceptions overruled; report confirmed.*—That the report of William D. Cornish, special master, to whom said cause was referred by order entered therein dated April 5, 1897, which said report was filed in said cause upon the 30th day of July, 1897, be, and the same is hereby, in all respects approved and confirmed.

SECOND. *General finding.*—That all the material allegations of the bill of complaint and supplemental bill of complaint herein are true.

THIRD. *Incorporation of Leavenworth, Pawnee and Western Railroad Company.*—That the Leavenworth, Pawnee and Western Railroad Company was duly incorporated and organized under and by virtue of an act of the legislature of the Territory of Kansas, enacted in the year 1855 and entitled "An act to incorporate the Leavenworth, Pawnee and Western Railroad Company," and an act supplemental thereto approved February 23, 1857.

And said Leavenworth, Pawnee and Western Railroad Company was by the legislation aforesaid authorized to locate and construct a railroad from the west bank of the Missouri River, in the town of Leavenworth, Kans., and from thence west to the town of Pawnee or some point feasible and near to the Government reservation of Fort Riley, with the privilege of extending the same to the western boundary of the then Territory of Kansas, and to construct a branch road to the town of Kickapoo, on the Missouri River.

That the said Leavenworth, Pawnee and Western Railroad Company was, by an act of the Congress of the United States entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, authorized to construct a railroad and telegraph line from the Missouri River, at the mouth of the Kansas River, on the south side thereof, so as to connect with the Pacific Railroad of Missouri to the aforesaid point on the one hundredth meridian of longitude west from Greenwich.

FOURTH. *Change of name of railroad company.*—That on or about June 6, 1863, the name of said corporation was, under authority of an act of the legislature of the State of Kansas entitled "An act relating to railroad companies," approved March 5, 1862, changed from that of Leavenworth, Pawnee and Western Railroad Company to that of Union Pacific Railway Company, Eastern Division.

FIFTH. *Route.*—That said Union Pacific Railway Company, Eastern Division, was by the legislation aforesaid authorized to lay out, locate, construct, furnish, maintain, and enjoy the railroad and telegraph prescribed and embraced in the middle division mortgage of said railway company, hereinafter mentioned, and which railroad extends from a point about 1.81 miles west of Junction City, Kans., westerly in said State, a distance of 253.9325 miles, all of which line of railroad and telegraph, with the appurtenances thereof, was located, constructed, equipped, and furnished by the Union Pacific Railway Company, Eastern Division, as, in the manner, and upon the conditions, within the times and upon the provisions and consents contemplated, defined, and described in said legislation.

SIXTH. *Name changed to Kansas Pacific Railway Company.*—That in the year 1869 the said Union Pacific Railway Company, Eastern Division, pursuant to due corporate action and as thereto authorized by law, changed its name to that of the Kansas Pacific Railway Company.

SEVENTH. *Formation of the Union Pacific Railway Company.*—That the defendant The Union Pacific Railway Company is a corporation created by and existing under and by virtue of the said acts of the Congress of the United States of July 1, 1862, and of July 2, 1864, and the other acts of the Congress of the United States amendatory thereof and supplemental thereto; that the said The Union Pacific Railway Company was formed on or about the 24th day of January, 1880, under and by virtue of the powers and provisions contained in said several acts of the Congress of the United States, by the consolidation of the Union Pacific Railroad Company, the Kansas Pacific Railway Company, and the Denver Pacific Railway and Telegraph Company, and said The Union Pacific Railway Company, so created, thereupon became the successor to each and all of the said constituent companies, and thereby became vested with all the rights, titles, interest, lands and land grants, properties, and franchises of each and all of the said constituent companies; and said The Union Pacific Railway Company is the owner of the said railroad, property, and franchises embraced in the mortgage of the Union Pacific Railway Company, Eastern Division, dated June 1, 1866, under which the complainants John A. Stewart and John F. Dillon are trustees, and which is hereinafter more fully referred to.

And said The Union Pacific Railway Company in addition thereto is the owner of the further lines of railway and property described in the original bill of complaint herein extending from Council Bluffs, Iowa, westerly through the States of Nebraska, Colorado, Wyoming, and Utah, to a point about 5 miles west of Ogden, in the State of Utah, and a line of railroad including the railroad described in said middle division mortgage and extending from Kansas City, in the State of Missouri, westerly through the State of Kansas and into the State of Colorado to Denver, and from Denver, in the State of Colorado, in a northerly direction to Cheyenne, in the State of Wyoming.

EIGHTH. *Issue of middle division bonds.*—That the said Union Pacific Railway Company, Eastern Division, pursuant to and under authority of and in compliance with the powers conferred upon it by the acts of the governor and legislative assembly of the Territory of Kansas, as well as of the said several acts of Congress, and pursuant to due corporate action, and for the purpose of raising money to continue the extension of its railroad and telegraph line, did duly make, execute, and issue under its corporate seal and did deliver to various persons, firms, and corporations, for value and for the considerations and purposes and in the manner provided by its middle division mortgage, hereinafter more fully described, its first mortgage bonds known as its middle division mortgage bonds to the number of 4,063 in the aggregate amount of $4,063,000, all of which bonds were issued and duly certified by the trustees named in such mortgage as therein provided, and all of which bonds are now outstanding, and in each of which bonds the said Union Pacific Railway Company, Eastern Division, promised to pay the sum of $1,000 to the holder thereof, in gold coin of the United States, at its office in the city of New York, on the 1st day of June, 1896, and also interest thereon at the rate of 6 per cent per annum, payable semiannually in like gold coin on the 1st days of June and December in each year, until the principal sum should be paid, on presentation and surrender, at the same place, of the interest warrants annexed thereto.

NINTH. *Execution of middle division mortgage; lien and priorities defined.*—That pursuant to and in accordance with the powers conferred upon it by said legislation, and pursuant to due corporate action and for the purpose of securing the payment of the principal and interest of the said bonds, and for other lawful considerations, the said Union Pacific Railway Company, Eastern Division, did duly make and execute under its corporate seal, and did deliver to John Edgar Thomson, of the city of Philadelphia, and Adolphus Meier, of the city of St. Louis, as trustee, a mortgage or deed of trust, dated June 1, 1866, hereinafter called the middle division mortgage, wherein and whereby the said Union Pacific Railway Company, Eastern Division, did bargain, sell, transfer, and convey to John Edgar Thomson and Adolphus Meier, as trustees, and to the survivor of them and their successors, and their and his assigns forever, the railroad, telegraph, property, and franchises in said mortgage, described as follows:

"All the said railroad and telegraph lines from and beyond the one hundred and fortieth mile-post aforesaid to the point west of the one hundredth meridian, to which the grant in bonds from the United States by virtue of the several acts of Congress passed in aid of the company extends, with the roadbed, superstructure, and all rails and other materials used therein or procured therefor, and machinery, locomotives, cars and rolling stock, bridges, viaducts, culverts, fences, depots, sidings and station grounds, telegraph poles, wire, telegraph instruments, and buildings thereon and all rights therein, tolls and income, and any rights thereto and interest therein, together with the tolls and income to be had or levied therefrom, and all the franchises, rights, and privileges of the said Union Pacific Railway Company, Eastern Division, of, in, to, or concerning the same, whether the same is at present possessed or may in the future be acquired by said party of the first part."

The said John Edgar Thomson and Adolphus Meier duly accepted said trust, and continued to be and act as the trustees of said mortgage until their death, in the years 1873 and 1888, respectively. That at the time of the commencement of this suit John A. Stewart, August Rutten, and William Endicott, jr., complainants in the original bill of complaint herein, were trustees under the mortgage or deed of trust made by said Kansas Pacific Railway Company on or about June 20, 1869, hereinafter described as the Denver Extension mortgage, as well as the mortgage supplemental thereto, made by said company on or about the 9th day of April, 1879, and that as such trustees under said indenture they held and owned in the sinking fund, created by their supplemental mortgage of said April 9, 1879, 365 of the bonds herein described as middle division bonds.

That since the commencement of this suit August Rutten, one of the original complainants herein, has died, and John F. Dillon and John A. Stewart have been appointed and have become trustees under the mortgage herein complained upon, which facts have been made to appear in the pleadings herein in the supplemental bill of complaint filed herein on February 27, 1897.

That said mortgage was duly recorded in all the recording offices or places of reg-

istration where the same was required by law to be recorded upon various dates in the month of January, 1867.

That the lien of the said middle division mortgage is subject and subordinate to the right of the Government to have the preference, at all times, in the use, at fair and reasonable rates of compensation, not to exceed the amounts paid by private parties for the same kind of service, of the telegraph line and railroad embraced in said mortgage for the transmission of dispatches over said telegraph line and the transportation of mails, troops, and munitions of war, supplies and public stores upon such railroad for the Government whenever required by any Department thereof.

And the said middle division mortgage is a lien subordinate and inferior to the title of the American Loan and Trust Company, as shown by the equipment trust indenture of the Union Pacific Railway Company to the said American Loan and Trust Company, dated October 1, 1887, to the extent and so far as the said indenture affects the portion of the equipment therein embraced, which is hereinafter decreed to pertain to the mortgaged premises covered by said middle division mortgage, and to the extent of the purchase money indebtedness herein found to be outstanding, as recited in said equipment trust indenture.

That said middle division mortgage is, with exceptions above stated and decreed, a valid and subsisting first mortgage and lien superior and paramount to any and every estate, right, title, interest or claim in or to the same or any part thereof of any person, party, or corporation whatsoever, including the United States of America, upon all of the railroad, telegraph, premises, rights, franchises, lands, and property described in said mortgage, including the railroad, right of way, and railroad property of the Union Pacific Railroad Company, commencing at the western terminus of the eastern division of the Kansas division of said railway company's property, being a point about 1.81 miles west of Junction City, Kans., and extending westwardly through the counties of Geary, Dickinson, Saline, Ellsworth, Russell, Ellis, Trego, Gove, and Logan, in Kansas, a distance of 253.9425 miles, including a spur or branch line extending from the junction point with the main line at a point about 0.19 of a mile east of Detroit, Kans., in a southerly direction 1.95 miles, in all constituting a total length of main track of 255.89 miles; also lots, yards, terminal grounds, shop grounds, station grounds, streets, alleys, and other tracts of land, tenements and heriditaments, easements, and rights of way owned or acquired or appropriated by or for the Union Pacific Railway Company, or by or for said railway companies, to whose rights and properties said The Union Pacific Railway Company has succeeded for the purposes of said line of railroad, including all lands so acquired or appropriated, the title to which stands in the name of the trustees for said The Union Pacific Railway Company; also the shops, freight depots, office buildings, roundhouses, and other structures and facilities upon said premises, right of way, station, terminal and other grounds pertaining to or acquired for use in connection with said railway property; also the depots, engine houses, car houses, station houses, warehouses, machine shops, workshops, switches, turnouts, sidings, and spurs constructed for or used in connection with said line of railway; also the lands, interests and easements in lands, pipes, pump houses, structures, pipe lines, appliances, facilities, and easements of said railway company pertaining to the water supply upon or along said line of railroad, and the tools, appliances, fixtures, materials, and supplies owned or acquired for the purposes thereof; also an undivided 9 per cent of locomotives, passenger cars, Pullman sleeping cars, dining cars, freight cars, and other cars, and all other equipment and rolling stock owned by the Union Pacific Railway Company and of all interest of said The Union Pacific Railway Company in any other equipment or rolling stock so owned or in which the said railway company has any interest so acquired or provided for or by said railway company for the purposes of said railroad and mortgaged premises or is necessary for the running and operation thereof.

Also all the lines of telegraph, telegraph material, instruments, fixtures, and appliances belonging to the said railway company and located upon or used in connection with said mortgaged premises; also all furniture, fixtures, appliances, apparatus, supplies, and material owned, acquired, or provided by said company for use in connection with said mortgage premises, located in the various offices of said railway company upon or remote from said mortgaged premises; and also all the property of said The Union Pacific Railway Company, and all its rights and interests in and to property of every kind and nature, whether of the character herein described or otherwise, and the corporate rights and franchises of said The Union Pacific Railway Company, Eastern Division, or its successor, the Union Pacific Railway Company, so far as the said property, rights, interests, and franchises pertain to the said mortgaged premises.

TENTH. *Default of railway company under middle division mortgage.*—That the defendant The Union Pacific Railway Company made default in the payment of all of the interest and of the coupons representing such interest, which became due upon the said middle division mortgage bonds on the 1st day of December, 1893, although

payment of interest due on that date was duly demanded by holders of said coupons, and said The Union Pacific Railway Company made default in the payment of the subsequent semiannual interest installments which fell due upon said bonds on June 1, 1894, and December 1, 1894, although the payment of each of said installments was duly demanded, but said semiannual interest installments were, under orders made by this court, paid by the receivers of the Union Pacific Railway Company, together with interest upon such installments, as follows:

The installment due on December 1, 1893, was paid by the receivers appointed in the case of Oliver Ames, 2d, and others against The Union Pacific Railway Company and others on December 15, 1893.

The installment due on June 1, 1894, was paid by the receivers appointed in the case of Sage and Gould, trustees, against The Union Pacific Railway Company and others on July 17, 1896.

The installment due on December 1, 1894, was paid by the receivers appointed in the case last above mentioned on November 19, 1896.

That certain coupons upon said bonds have never been presented for payment and remain unpaid, and payment thereof has never been demanded or collected, and such unpresented and unpaid coupons amount to the sum of $3,325.90.

ELEVENTH. *Amount of mortgage debt.*—That all of the principal of said bonds became due and payable on June 1, 1896, and payment thereof was duly demanded, and that default was then made in the payment thereof, and that no part of the principal of said bonds was then, or has since been, paid, and that no part of the interest upon said bonds which has accrued since the 1st day of December has been paid, and the following amounts are now due and payable at the date of this decree for principal of said outstanding middle division mortgage bonds already matured and accrued interest thereon, viz:

Principal of bonds due June 1, 1896	$4,063,000.00
Interest on said principal sum from December 1, 1894	650,080.00
Interest on $121,890 of interest due June 1, 1895, from said date	15,845.70
Interest on $121,890 of interest due December 1, 1895, from said date	12,189.00
Interest on $121,890 of interest due June 1, 1896, from said date	8,532.30
Interest on $121,890 of interest due December 1, 1896, from said date	4,875.60
Coupons outstanding which matured from June 1, 1880, to June 1, 1888, inclusive, as above stated	570.00
Coupons outstanding which matured from December 1, 1888, to June 1, 1893, inclusive	300.00
Coupons outstanding which matured from December 1, 1893, to December 1, 1894, inclusive, with interest thereon to dates of payment of the several installments, as above stated	2,455.90
Total amount due and payable	4,757,848.50

TWELFTH. *Issue of subsidy bonds by the United States; amount and lien thereof.*—That beginning on November 1, 1865, under and in pursuance of the Congressional legislation aforesaid, there were issued and delivered by the Secretary of the Treasury of the United States to said Union Pacific Railway Company, Eastern Division, for the purposes stated in said acts, bonds of the United States, hereinafter called subsidy bonds, in the total amount of $6,303,000, which bonds were each of the principal amount of $1,000, and were payable in thirty years after the date thereof with interest at the rate of 6 per cent per annum, payable semiannually in lawful money and legal tender of the United States, all of which bonds so issued and delivered were of the tenor and effect described in said acts of the Congress of the United States, approved July 1, 1862, and July 2, 1864, and were issued and delivered by the Secretary of the Treasury of the United States to the said railway company as in the manner and upon the conditions and at about the times described in said acts, and the issue of said bonds and the delivery thereof to said company did by force of law, ipso facto, constitute a mortgage of the whole line of the railroad and telegraph, together with the rolling stock, fixtures, and property of every kind and description, including all the rights, franchises, and appurtenances thereunto belonging and in consideration of which said bonds were issued, which said lien of the United States was, by the provisions of the said act of Congress of July 2, 1864, made subordinate to the lien of the mortgage authorized to be issued upon the said railway and telegraph line, being the mortgage sought to be foreclosed herein, and to the lien of the bonds secured by said middle division mortgage and issued thereunder, except as to such provisions of the sixth section of said act of July 1, 1862, which reserved to the United States a preference in the use of the said railroad and telegraph line for the transmission of dispatches and the transportation of mails, troops, munitions of war, supplies, and public stores of the Government of the United States at fair and reasonable rates of compensation, not to exceed the amounts paid by private parties for the same kind of service.

That the subsidy bonds of the United States so issued and delivered by the Secretary of the Treasury of the United States to the Union Pacific Railway Company, Eastern Division, in pursuance of the acts of Congress of the United States aforesaid, bore, respectively, the dates of issue, were issued in the respective amounts, matured at the respective dates, and bore interest from the respective dates, as appears in the following tabulated statement thereof, to wit:

Maturity of bond.	Date of issue.	Commencement of interest.	Amount.
November 1, 1895	Nov. 1, 1865	Nov. 1, 1865	$640,000
January 1, 1896	Jan. 1, 1866	Jan. 1, 1866	352,000
	May 8, 1866	May 8, 1866	368,000
	July 9, 1866	July 9, 1866	320,000
	Oct. 16, 1866	Oct. 15, 1866	400,000
January 1, 1897	Jan. 23, 1867	Jan. 23, 1867	400,000
	May 6, 1867	May 6, 1867	480,000
	June 11, 1867	June 10, 1867	400,000
	Aug. 13, 1867	Aug. 13, 1867	384,000
	Sept. 20, 1867	Sept. 20. 1867	400,000
	Oct. 26, 1867	Oct. 26, 1867	416,000
	Dec. 3, 1867	Dec. 3, 1867	320,000
January 1, 1898	Jan. 14, 1868	Jan. 14, 1868	480,000
	Apr. 28, 1868	Apr. 28, 1868	400,000
	June 6, 1868	June 6, 1868	320,000
	Nov. 5, 1868	Nov. 2, 1868	223,000
Total			6,303,000

That said subsidy bonds so issued by the United States to said railroad company were by said railroad company sold, and the proceeds of such sales were by said railroad company applied to its own use in aid of the construction and equipment of its said railroad.

THIRTEENTH. *Payments on subsidy debt by Government transportation.*—Under the provisions of said acts of Congress of July 1, 1862, and July 2, 1864, the United States, commencing in the year 1867, has continuously retained earnings of said railway company derived from the transportation of mails, troops, munitions of war, supplies and public stores for the Government of the United States upon said line of railway, in respect of which said subsidy bonds were issued as aforesaid and applied the same from time to time on account of the interest paid by the United States on said subsidy bonds issued by said United States to said railway company, which said sums the said Union Pacific Railway Company, Eastern Division, and its said successor, the Union Pacific Railway Company, were entitled to have credited toward a partial repayment of the interest paid by the United States upon said subsidy bonds and further sums representing such earnings have been likewise retained by the United States which have been credited to the said Union Pacific Railway Company, and with which said company is entitled to be credited, but the extent whereof is incapable of exact statement at the time of this decree, but such credits have not exceeded the accumulation of the subsidy debt.

That the said United States of America duly entered their appearance and became parties defendant to this cause by action of the Attorney-General of the United States duly had and taken on their behalf pursuant to the authority provided by law and given by direction of the President of the United States.

FOURTEENTH. *Amount of subsidy debt.*—That of said subsidy bonds so issued and delivered by the United States to the said railroad company $640,000 of the principal thereof matured and became due on the 1st day of November, 1895, and the same, together with all interest then due thereon, were then paid by the United States to the holders thereof; and $1,440,000 of the principal thereof matured on January 1, 1896, and the same, together with all interest then due thereon, was then paid by the United States to the holders thereof; and $2,800,000 of the principal thereof matured on January 1, 1897, and the same, together with all interest then due thereon, was then paid by the United States to the holders thereof.

$1,423,000 of the said subsidy bonds of the United States remain outstanding and unpaid, and will mature on and after January 1, 1898.

That all of the interest on all of said subsidy bonds of the United States has been paid by the United States from time to time as the same has matured.

That the indebtedness of the said Union Pacific Railway Company, Eastern Division, secured by said subsidy lien and which has matured and is now due to the United States for the repayment of the amounts paid by the United States upon the principal of said matured subsidy bonds and for repayment of the interest paid by the United States upon said matured subsidy bonds in excess of the amount of said bond

and interest account applied as aforesaid to the payment of said interest is as stated as of April 1, 1897, as follows:

Principal	$4,880,000.00
Balance of interest account	6,588,900.19
Total	11,468,900.19

FIFTEENTH. *Execution of income mortgage.*—That the Union Pacific Railway Company, Eastern Division, to enable it to construct its railway under and pursuant to due corporate action, and as thereunto authorized by law, executed on or about July 1, 1866, to Carlos S. Greeley and Adolphus Meier, as trustees, its certain indenture, or deed of trust, known as the Union Pacific Railway Company, Eastern Division, income mortgage, bearing the date aforesaid, wherein and whereby it conveyed the property and premises covered by and embraced in the said middle division mortgage, together with other property, as security for a certain issue of income bonds of said railway company, and that there are now outstanding and unpaid of said income bonds the principal amount of $4,275,350, and that the American Loan and Trust Company is the present trustee under said mortgage.

SIXTEENTH. *Execution of Denver extension mortgage.*—That on or about the 20th day of June, 1869, the said Kansas Pacific Railway Company executed to John Edgar Thomson, Adolphus Meier, and John A. Stewart, as trustees, a certain indenture or deed of trust known as the Denver extension mortgage, and on the 9th day of April, 1879, executed to said trustees a mortgage supplemental thereto, and in and by said indentures conveyed and mortgaged to said trustees the property and premises herein described as subject to the middle division mortgage, with other property as security for an issue of bonds known as Denver extension first-mortgage bonds in the amount of $6,500,000; that there are now outstanding and unpaid of said bonds the principal amount of $5,887,000, together with certain installments of interest thereon, of which bonds the principal amount of $1,872,000 are held in the sinking fund under said Denver extension mortgage by the trustees thereof.

The said John Edgar Thomson and Adolphus Meier afterwards died, and August Rutten and the defendant William Endicott, jr., were appointed successor trustees in their stead; that thereafter August Rutten died, and John A. Stewart and William Endicott, jr., two of the complainants in this cause, are now trustees under said mortgage.

SEVENTEENTH. *Execution of consolidated mortgage.*—That on about the 1st day of May, 1879, the said Kansas Pacific Railway Company executed to Jay Gould and the defendant Russell Sage, as trustees, its indenture or deed of trust known as the consolidated first mortgage of said railway company, bearing date on said day, wherein and whereby it conveyed and mortgaged the property and premises herein described as subject to the mortgage complained upon herein, with other property, as security for an issue of bonds known as consolidated first-mortgage bonds of said railway company, which were issued thereunder in the principal amount of $16,463,000, and that there are now outstanding and unpaid of said bonds the principal amount of $11,724,000, together with certain installments of interest thereon.

That said Jay Gould thereafter died, and that the defendant George J. Gould was, in February, 1893, duly appointed as successor trustee in his stead, and that the defendants Russell Sage and George J. Gould are now the trustees under said mortgage.

That on or about the 16th day of July, 1894, the said Sage and Gould, trustees as aforesaid, exhibited their bill of complaint in equity in this court to foreclose the said consolidated first mortgage whereof they are trustees, and such proceedings were thereupon had that the court appointed in said cause S. H. H. Clark, Oliver W. Mink, E. Ellery Anderson, John W. Doane, and Frederic R. Coudert receivers, who duly qualified under such decree and entered upon the possession of the said mortgaged premises and the operation of the railroad embraced therein, and are still in possession of and operating the same.

EIGHTEENTH. *Execution of Kansas Division and collateral mortgage.*—That on about the 1st day of May, 1891, the Union Pacific Railway Company executed to the Mercantile Trust Company of New York, as trustee, its mortgage or deed of trust known as its Kansas division and collateral mortgage, bearing said date, whereby it conveyed and mortgaged the property described herein as subject to the mortgage of the complainants herein, with other property, as security for an issue of bonds under said mortgage to the extent of $5,000,000; that there are now outstanding and unpaid of said bonds the principal amount of $5,000,000, together with certain installments of interest thereon.

NINETEENTH. *Equipment trust indenture.*—That the Union Pacific Railway Company made and delivered its trust indenture, date October 1, 1887, to the American Loan and Trust Company, of Boston, as trustee, whereby it was, among other

things, agreed that to enable said The Union Pacific Railway Company to purchase cars and engines for use upon its lines of railway and to pay for the same, the cars and engines so to be purchased should be transferred to and vested in said trustee under said indenture by the several parties from whom the same should be purchased, so that said trustee and its successors and assigns should stand possessed of said cars and engines until payment of the principal and interest of the bonds issued in respect thereto should be made by said railway company under and in accordance with the provisions and requirements of said trust indenture, permitting said railway company to use and enjoy said cars and engines until default should be made in the payment of its obligations under said trust indenture and the bonds secured thereby.

That under said trust indenture said railway company made and issued its certain bonds, each in the sum of $1,000, bearing interest at the rate of 5 per cent per annum, which interest was payable semiannually and evidenced by coupons attached to said bonds, that such bonds were so issued in three series, namely, A, B, and C;

Of which the Series A bonds, in number 716, and in amount $716,000, were dated October 1, 1887.

And of which Series B bonds, in number from 717 to 2,820, both inclusive, and in amount $2,104,000, were dated April 1, 1888.

And of which Series C bonds, in number 810, and in amount $810,000, were dated April 1, 1890.

That all of said Series A bonds have been paid, with interest thereon, except the amount of $72,000, with interest upon said amount from the 1st day of April, 1897; that the principal of said bonds will fall due on October 1, 1897.

That all of said Series B bonds have been paid, with the interest thereon, except the amount of $210,000, with interest thereon from April 1, 1897; that the principal of said bonds will fall due April 1, 1898.

That all of said Series C bonds have been paid, with interest thereon, except the amount of $225,000, with interest thereon from April 1, 1897; that $76,000 of the principal of said bonds will fall due April 1, 1898; that $75,000 of the principal of said bonds will fall due April 1, 1899; that $74,000 of the principal of said bonds will fall due April 1, 1900.

That said The Union Pacific Railway Company entered into an agreement with said American Loan and Trust Company, as trustee under said equipment trust indenture, dated February 1, 1893, recognizing and affirming said equipment trust indenture of October 1, 1887, as to the amounts of principal and interest upon the bonds secured thereby then remaining unpaid, and in respect to the equipment then existing upon which such bonds were secured in said three several series as described in said original trust indenture.

TWENTIETH. *Railway company insolvent; property indivisible.*—That in addition to the sums hereinbefore found to be due from and owing by said defendant railway company, said company is indebted in large sums, the payment whereof is overdue, and it has made default in the payment thereof and is unable to pay the same and is wholly insolvent, and it is for the best interests of all concerned that all the said railroad, properties and franchises, rights, functions, immunities, and appurtenances of the said railway company embraced in and covered by the lien of said middle division mortgage should be sold and that the provisions hereof be made for the payment of the indebtedness of said railway company according to the respective liens and equities of the holders thereof. That the railroad, telegraph, appurtenances, rolling stock, equipment and other property and franchises, rights, functions, immunities, and appurtenances of said defendant railway company embraced in said eastern division mortgage are indivisible and so situated and are of such a nature that the same can not be sold in parcels without great injury to all the parties in interest and that it is expedient that the same shall be sold as an entirety as hereinafter provided.

TWENTY-FIRST. *Payment decreed.—It is further ordered, adjudged, and decreed,* That the defendent The Union Pacific Railway Company pay, or cause to be paid, within twenty days after the entry of this decree, to the said John A. Stewart and John F. Dillon, trustees, for the use and benefit of the holders of the middle division mortgage bonds and coupons of the Union Pacific Railway Company, Eastern Division, issued under and secured by said mortgage of June 1, 1866, the amount hereinbefore found to be due for principal and interest on said bonds—namely, the sum of $4,757,848.50, with interest thereon from the date of this decree to the date of payment at the rate of 6 per cent per annum.

Upon payment of the said amount of $4,757,848.50 to the trustees of the said middle division mortgage, the same shall be distributed among the respective holders of said bonds and coupons in payment of the principal sums and interest herein found due and decreed to be paid.

In case the said amount shall be paid or caused to be paid by the Union Pacific Railway Company as herein decreed, then any of the parties to this suit may apply

to this court for such further relief and for such further directions as may be just and equitable.

TWENTY-SECOND. *Foreclosure and sale ordered.—It is further ordered, adjudged, and decreed,* That in default of such payments by the defendant the said The Union Pacific Railway Company, or by some one claiming under it, or by some one for its own account, or by some of the defendants to this cause, within the time directed as aforesaid, all the railroad, telegraph, franchises, rights, functions, immunities, and appurtenances to the same belonging, rolling stock and property of every kind and description embraced in and covered by said middle division mortgage of June 1, 1866, as hereinbefore described, shall be sold as hereinafter directed, and all the right, title, estate, interest, and equity of redemption of the said defendant The Union Pacific Railway Company, and of all persons claiming or to claim under it, and of John A. Stewart and John F. Dillon, trustees, and of each and every party to this cause, except the rights of said receivers in possession of said mortgaged premises to compensation for services rendered and the payment of expenses and liabilities incurred in operating the railroad and telegraph of, in, or to the said railroad, telegraph, franchise, rolling stock, and property, and every part and parcel thereof embraced in and covered by said mortgage, shall be forever absolutely barred and foreclosed, saving only the rights herein expressly excepted and reserved.

The said property covered by and embraced in said middle division mortgage, as the same is hereinbefore described and defined, shall be sold upon the conditions and in the manner hereinafter provided and directed at public auction to the highest bidder or bidders upon the mortgaged premises. at the passenger station of the Union Pacific Railway Company in the city of Salina, in the State of Kansas, on a day or days to be fixed by the special master hereinafter appointed, and public notice of such sale and the time and place thereof, together with the manner and the terms upon which the said sale is to be conducted, shall be given by the said special master by advertisement, which shall describe briefly the property to be sold, the time and place, when and where the sale is to take place, and the conditions upon which it is to be conducted, which advertisement shall be published at least once in each week for the term of four successive weeks preceding the day of sale in at least one newspaper in each of the following cities—namely: New York City, N. Y., and Salina, Kans.

TWENTY-THIRD. *Manner and terms of sale.*—Said sale shall be made in the following manner and upon the following terms:

Said mortgaged property shall be sold as an entirety and in one parcel.

The special master shall have the power and right to postpone the said sale from time to time, and may, without further notice, proceed with said sale on any day to which the sale may have been adjourned, and may, at his option, give such further notice of sale, in addition to the notice above described, as he may think proper.

The special master shall receive no bid from anyone offering to bid who shall not have deposited with him at his office in Omaha, Nebr., at least five days before the date of sale mentioned in the special master's published notice as a pledge that he will make good his bid in case of its acceptance, the sum of $200,000, at least one-half of which shall be in cash and the rest may be in middle division bonds.

The special master shall accept no bid for said railroad, franchises, and property less than the sum of $5,300,000, and, unless such sum shall be bid, the special master may adjourn the sale and apply to the court for further instructions.

Upon the acceptance of any bid, the person or persons making the same shall forthwith deposit with the special master, on account thereof, a further sum equal to 10 per cent of the accepted bid in cash; but any cash and bonds which may have been previously deposited by the successful bidder, as a pledge that he would make and make good his bid, shall be received on account of the amount so required of him to be deposited, as aforesaid, on the acceptance of his bid.

In case any bidder or purchaser shall fail to make good his bid upon its acceptance by the special master or shall fail to pay, as hereinafter provided, the balance due upon his said bid in consummation of his purchase, then the sums in cash and bonds deposited by such bidder or purchaser, as hereinbefore provided, shall be forfeited as a penalty for such failure, and shall be applied toward payment of the expenses of a resale and toward making good any deficiency or loss in case the property shall be sold at a less price upon such resale and to any other and further purposes which the court may direct.

Any party to this cause or any holder or holders of any of said middle division mortgage bonds may bid and purchase at such sale.

If any sale for which a deposit has been made shall not be confirmed by the court, such deposit shall be returned to the bidder, and the deposit of any unsuccessful bidder shall be returned to him when a bid has been accepted.

TWENTY-FOURTH. *Payments by the purchaser.*—The purchaser, whose bid shall have been accepted by the special master at said sale, shall make payments in cash or in

cash and first mortgage bonds and coupons of the sum remaining due upon his said bid after the application thereto of the amounts theretofore deposited by him, as follows:

Twenty-five per cent of said amount so remaining due on said bid shall be paid within thirty days after the confirmation of the sale; a further 25 per cent of said amount shall be paid within forty days after such confirmation; a further 25 per cent of said amount shall be paid within fifty days after such confirmation; and a further 25 per cent of said amount shall be paid within sixty days of such confirmation: *Provided, however*, That the purchaser shall have the right to anticipate all or either of said payments by making the same, or any of them, at an earlier time or earlier times than herein fixed.

Said middle division mortgage bonds and unpaid coupons, to the extent that they shall be tendered to the special master in payment of said bid, shall be accepted and taken by him in such payment at the par value thereof, together with interest unpaid and accrued thereon to the date of this decree, and such purchaser shall be credited therefor, on account of the purchase price, such sum in cash as shall be represented by the principal of said bonds and coupons and such unpaid and accrued interest thereon, and said bonds and coupons shall be canceled by the master if used for payment.

Such part of the purchase price as shall not be paid in said middle division mortgage bonds shall be paid in cash.

The master may in his discretion accept temporarily, instead of the manual delivery of the bonds and coupons, the certificate of any trust company which he may select or certificate of the Secretary of the Treasury, that it or he holds bonds secured by the middle division mortgage, subject to the order of the master, and will deliver them to him on demand for cancellation or other disposition.

This court reserves the right to resell the property upon such notice as the court shall direct in case the purchaser shall fail or omit to make any payment on account of any balance of the purchase price as herein provided.

TWENTY-FIFTH. *What cash payments shall include.*—The payments to be made in cash under the provisions and requirements of this decree shall include a sum of money equivalent to the principal amount of all outstanding middle division mortgage bonds and coupons which shall not be presented to the special master in partial payment and on account of the bid of the purchaser, together with the interest accrued upon said unpresented bonds and coupons to the date of this decree.

Any deposits or payments provided or required by the terms of this decree to be made in cash may be made by delivery of a certified check of or on any national bank or trust company which is satisfactory to the special master.

TWENTY-SIXTH. *Obligations assumed by the purchaser.*—The purchaser or purchasers, or his or their successors or assigns, shall, as part consideration and purchase price of the property purchased and in addition to the sums heretofore required to be paid, and paid, take the same and receive the deed therefor upon the express condition that he or they, or his or their successors or assigns, shall pay, satisfy, and discharge:

1. All the proper costs of this cause and all the expenses of the sale hereunder, including the compensation and necessary expenses of the special master appointed to make the sale.

2. The charges, compensation, allowances, and disbursements of the complainants, their solicitors and counsel in this cause, as the same shall be hereafter fixed and allowed by the court or under its direction.

3. A sum equivalent to interest at the rate of 6 per cent per annum, from the date of this decree to a date of payment to be fixed by the special master, upon the entire amount of middle division mortgage bonds and coupons which shall not have been presented by the purchaser on account of his bid.

4. Any balance which may be required to pay the compensation of the said receivers for their services rendered and their expenses and liabilities incurred in operating the mortgaged railroad and telegraph after applying to the payment thereof the income they shall have derived therefrom.

As soon as practicable after the confirmation of sale, the special master shall, by notice to the purchaser, fix a time for the payment of the sums due at the date so fixed on bonds and coupons not used on account of the purchaser's bid or otherwise paid before said date. The purchaser shall, prior to or at such date, furnish the master with a sum of money equivalent to the interest on such unpresented bonds and coupons from the date of this decree to the date of such payment fixed by the master. The master shall also give public notice of the time when and the place where he will be prepared to make such payment by publication at least once a week for two successive weeks in a newspaper published in each of the following cities, namely, New York and Topeka; and no holder of any claims to bonds or coupons, for the payment of which notice shall have been so given, who shall fail to

present the same for payment at the time and place specified, shall be entitled to the payment of any interest thereon after that date out of the proceeds of such sale, or the additional sum furnished to the master by the purchaser as aforesaid.

The master shall pay, stamp paid, and cancel the middle-division mortgage bonds and coupons presented to him for payment after such notice on or before the date of payment named therein and shall thereupon deposit in the registry of this court the portion of the purchase price of said mortgaged premises which is applicable to the payment of those bonds and coupons which have not been presented to him, either in payment of the bid or for payment in cash, together with 1 per cent of such amount for clerk's fees which shall be paid to him by the purchaser, his successor or assigns, as a part of the costs herein.

The master shall report what bonds and coupons have not been presented to him for cancellation and the amount of the said deposit applicable to the payment thereof, and the clerk of the court shall thereafter, on the customary order of the court, pay, stamp paid, and cancel any of such unpresented bonds and coupons which are presented to him for payment.

TWENTY-SEVENTH. *Ib. Mode of enforcement.*—In the event that the said purchaser or purchasers, or his or their assigns, shall refuse, after demand, to pay any indebtedness or liability, subject to which the mortgaged premises is sold under this decree, the person holding the claim therefor, when established by a court of competent jurisdiction, may, upon fifteen days' notice to said purchaser or purchasers, his or their successors or assigns, file his petition in this court to have the said claim enforced against the property aforesaid in accordance with the usual practice in claims of a similar character; and such purchaser or purchasers, his or their successors or assigns, shall have the right to appear and make defense to any claim, debt, or demand so sought to be enforced, and either party shall have the right to appeal from any judgment, decree, or order made thereon or with respect thereto. Jurisdiction of this cause is retained by this court for the purpose of the foregoing provisions of this decree, and the court reserves the right to retake and resell said property in case the purchaser or purchasers, his or their successors or assigns, shall fail to comply with any order of this court in respect to the payment of such prior indebtedness or liability within thirty days after service of a copy of such judgment, decree, or order requiring such payment, subject, however, to all rights of appeal and stay of proceedings provided by law or which are hereinafter set forth.

Such purchaser or purchasers, and his or their successors or assigns, shall have the right to enter his or their appearance in this court or in any other court, and he or they or any of the parties to this cause shall have the right to contest any claim, demand, or allowance existing at the time of the sale, then undetermined, or any claim or demand which may arise or be presented thereafter which would be payable by such purchaser or purchasers, his or their successors or assigns, or which would be chargeable against the property purchased in addition to the amount paid by said purchasers at such sale, and may appeal from any decision relating to any such claim, demand, or allowance, and shall have and enjoy all rights to stay or supersedeas as fully as if a party thereto.

TWENTY-EIGHTH. *Application of proceeds of sale.—It is further ordered, adjudged, and decreed,* That the funds arising from the sale of the said property and premises shall be applied as follows:

1. To the payment of the said middle division bonds and coupons and interest to the date of this decree.

2. To the paying of the amount owing to the United States, whether due or not, secured by its subsidy lien until said subsidy debt is paid in full, and the surplus, if any, shall be distributed by subsequent orders of the court: *Provided, however,* That in the event that a sale shall be made under any decree rendered in the case of the United States of America against the Union Pacific Railway Company and others, pending in this court, to enforce the subsidy lien of the United States before any sale under this decree, and if such sale under the decree in the case of United States against the Union Pacific Railway Company and others shall be confirmed, then any surplus of the purchase money for the property and premises sold under the decree in this cause, after the payment in full of the first-mortgage debt, shall be paid to the master for account of the purchaser or purchasers at such sale under said subsidy lien in the said suit of the United States against the Union Pacific Railway Company and others, and shall be paid over to such purchaser or purchasers, or his or their assigns, on proper application and order of the court therefor.

The successful bidder shall pay to the master in first-mortgage bonds and cash, or one of them, an amount sufficient to pay all the middle division mortgage bonds and interest to the date of this decree, and if the balance of his bid is applicable under the preceding provision hereof to the payment to the United States of the subsidy debt the purchaser may pay such balance to the master or to the United States, and the receipt of the Secretary of the Treasury, or his proper subordinate, for any part of such balance, shall be sufficient evidence of its payment.

TWENTY-NINTH. *Master's deed; its effect.—It is further ordered, adjudged, and decreed,* That upon payment of the purchase price by the purchaser or purchasers of said property, or upon the making of such provision for the payment thereof as the court shall approve, the said special master making the sale shall execute and deliver a good and sufficient deed or deeds conveying the property purchased to such purchaser or purchasers, or his or their successors or assigns, subject to the possession and rights of the receivers and their creditors hereinbefore reserved, and upon the execution and delivery of said deed or deeds the grantee or grantees thereunder shall be entitled to the possession of the mortgaged premises as against all parties except the said receivers, and they may apply to this court for possession from the receivers, and when such application is granted the said receivers, and any party to this cause who is in possession of any of the same, shall deliver such property over to the purchaser or purchasers, his or their successors or assigns, together with any property acquired by the said receivers appertaining to the line of railroad in said mortgage mentioned that has not been applied, or shall not be otherwise applied, in pursuance of the orders of this court. Such possession shall, nevertheless, be subject to the condition that this court may retake and resell the property conveyed, in case the purchaser or purchasers, his or their successors or assigns, shall fail to pay any balance of the purchase price remaining unpaid or to comply with any other provision contained in this decree.

The purchaser or purchasers and his or their successors or assigns shall, after such delivery of the premises and property, hold, enjoy, and possess the same and all the rights, privileges, immunities, and franchises thereto appertaining, as fully and completely as the defendant The Union Pacific Railway Company has heretofore held, owned, or enjoyed or now holds, owns, or enjoys the same, subject only to the liabilities assumed by the purchaser under this decree; and the purchaser or purchasers and his or their successors and assigns shall thereupon be entitled to have and to hold the said premises so conveyed by a full, absolute, and indefeasible title, freed and discharged from all the mortgages, liens, claims, and charges of each and every defendant herein and of all parties to this cause, saving and excepting only the right of the Government to have the preference at all times in the use at fair and reasonable rates of compensation, not to exceed the amounts paid by private parties for the same kind of service, of the telegraph line and railroad for the transmission of dispatches over said telegraph line and the transportation of mails, troops and munitions of war, supplies, and public stores upon said railroad for the Government whenever required by any department thereof and the rights of those parties whose claims are assumed by the purchaser in this decree; and said purchaser or purchasers and his or their successors or assigns, after such delivery of the premises and property, shall have, receive, hold, and enjoy all the earnings, income, and proceeds of the operation, use, or disposition thereof and all compensation for the transmission of dispatches over said telegraph line and the transportation of any persons or property over said railroad for any persons, party, or corporation, including the Government of the United States, freed and discharged from all the liens, claims, and charges of each and every defendant herein and of all parties to this cause and those claiming under them.

THIRTIETH. *Deed by railway company and trustees.*—The defendant The Union Pacific Railway Company shall at the time of the execution of the said deed by said special master, as a further assurance to the purchaser or purchasers, execute a deed or join with said special master in the execution of the deed or deeds to be made by him, and shall thereby convey and release to the purchaser or purchasers and his or their successors or assigns all its right, title, and interest in and to the property conveyed by said special master to the said purchaser or purchasers.

The said complainants John A. Stewart and John F. Dillon, as trustees under said middle division mortgage, hereby foreclosed, shall likewise, at the time of the execution of said deed by the special master, transfer and release to such purchaser or purchasers and his or their successors or assigns all their right, title, and interest under the said middle division mortgage in and to the property so conveyed; and the said receivers shall make and deliver a sufficient deed, conveying and assigning to the purchaser or purchasers and his or their successors or assigns all their right, title, and interest in, of, or to any property vested or standing in their names or to which they have acquired title as such receivers in the management and operation of the premises covered by and embraced in said middle division mortgage so far as the same may be appurtenant to said premises.

THIRTY-FIRST. *Re deficiency judgment.—It is further ordered, adjudged, and decreed,* That in case the proceeds of such sale shall not be sufficient to pay in full the amount hereinbefore found to be due upon said middle division bonds and coupons, then the said special master shall report to the court the amount of the deficiency, and upon the conformation of said report said John A. Stewart and John F. Dillon, complainants as trustees under said middle division mortgage, shall have judgment against the defendant The Union Pacific Railway Company for the amount of the deficiency

due upon said bonds and coupons, and shall have execution therefor pursuant to rules and practice of this court.

THIRTY-SECOND. *Special master appointed.—It is further ordered, adjudged, and decreed,* That William D. Cornish, of St. Paul, Minn., be, and he is hereby, appointed special master to execute this decree and make the sales herein provided to be made, and to execute and deliver the deeds of conveyance of the property sold to the purchaser or purchasers thereof upon confirmation of said sales and payment of the purchase prices thereof, as herein provided, and this court reserves the right at any time to appoint another master with the same powers as the one herein appointed in case of the inability for any reason of the special master herein appointed to act or perform the duties of his office or in reference to his office. As soon as any sales have been made by such special master in pursuance of this decree he shall report the same to this court for confirmation, and shall from time to time thereafter make such further and supplemental reports as shall be necessary to keep the court and the parties to this cause properly advised of his proceedings in the execution of this decree.

THIRTY-THIRD. *Matters reserved.—It is further ordered, adjudged, and decreed,* That all questions not hereby disposed of are reserved by this court for its future adjudication; and that any party to this cause may at any time apply to this court for further relief at the foot of this decree in respect to matters not herein specifically provided for.

WALTER H. SANBORN,
United States Circuit Judge, Eighth Circuit.

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55TH CONGRESS, 2d Session. } SENATE. { DOCUMENT No. 50.

SALE OF KANSAS PACIFIC RAILROAD.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

IN RESPONSE TO

RESOLUTION OF THE SENATE OF DECEMBER 9, 1897, RELATIVE TO THE POSTPONEMENT OF THE SALE OF THE KANSAS PACIFIC RAILROAD.

JANUARY 7, 1898.—Read, referred to the Committee on Pacific Railroads, and ordered to be printed.

To the Senate of the United States:

In pursuance of a resolution of the Senate of December 9, 1897 (relating to the Kansas Pacific Railroad), as follows:

Resolved, That the President is requested to obtain a postponement of such sale to such a time as will give to Congress a reasonable time to consider and act upon his recommendations,

The Senate is informed that a postponement of said sale was granted by the court, upon the motion of the Attorney-General, to the sixteenth, seventeenth, and eighteenth days of February, 1898.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
January 7, 1898.

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55TH CONGRESS, 2d Session. } SENATE. { DOCUMENT No. 51.

REVENUE CUTTER DANIEL MANNING.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

IN RESPONSE TO

RESOLUTION OF THE SENATE OF JANUARY 5, 1898, RELATIVE TO THE COST OF THE HULL, MACHINERY, AND APPURTENANCES OF THE REVENUE CUTTER DANIEL MANNING, CONTRACTED FOR BY THE DEPARTMENT.

JANUARY 10, 1898.—Laid on the table and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., January 7, 1898.

SIR: I have the honor to acknowledge the receipt this day of Senate resolution requesting the Secretary of the Treasury "to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the hull, machinery, and appurtenances of the U. S. revenue cutter *Daniel Manning*, contracted for by the Department, cost the contractors over and above the contract price, if anything, and report the same to the Senate."

Expressing the perfect willingness of this Department to organize the board referred to for the purpose stated, I beg to call attention to the fact that there is no provision of law under which the expense likely to be incurred (which will probably be not less than $1,000) by such a board can be paid.

Inasmuch as the entire sum of the contract price of the *Manning* has been paid to the contractors, and therefore that the interests of the Government in the matter have been fully met, it would appear that the parties in interest (the contractors) should bear the expenses of the board. I have therefore the honor to suggest that the resolution be amended to that effect.

Respectfully, yours,

L. J. GAGE, *Secretary.*

To the PRESIDENT OF THE SENATE.

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55TH CONGRESS, 2d Session. } SENATE. { DOCUMENT No. 52.

LIABILITIES OF REGISTERS AND RECEIVERS.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING,

FOR THE CONSIDERATION OF THE SENATE, A COMMUNICATION FROM THE AUDITOR FOR THE INTERIOR DEPARTMENT UPON THE SUBJECT OF "LIABILITIES OF REGISTERS AND RECEIVERS ON THEIR BONDS FOR THE PROCEEDS ARISING FROM THE SALES OF INDIAN LANDS."

JANUARY 10, 1898.—Referred to the Committee on Public Lands and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., January 8, 1898.

SIR: I have the honor to transmit herewith, for the favorable consideration of Congress, a communication from the Auditor for the Interior Department, of the 7th instant, upon the subject of "liabilities of registers and receivers on their bonds for the proceeds arising from the sales of Indian lands," and recommending immediate legislation for the security and protection of the interests of the United States and the Indians.

Respectfully, yours,

L. J. GAGE,
Secretary.

To the PRESIDENT OF THE SENATE.

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE INTERIOR DEPARTMENT,
Washington, D. C., January 7, 1898.

Sir: I have the honor to invite your attention to the following extract from an important recommendation contained in the "Report of the Secretary of the Interior for the fiscal year ended June 30, 1897," page 19, viz:

LIABILITIES OF REGISTERS AND RECEIVERS ON THEIR BONDS FOR THE PROCEEDS ARISING FROM THE SALES OF INDIAN LANDS.

In the case of the United States *v.* George B. Rogers and Charles W. Berryman, sureties on the bond of Charles W. Danilson, receiver of public moneys at Blackfoot, Idaho, a decision was rendered September 22, 1896, by the United States district

court for Idaho, and affirmed, on appeal, by the circuit court of appeals for the ninth circuit July 1, 1897, holding "that it is not a part of the duties of registers and receivers to sell Indian lands, and that the proceeds of sales of such lands are not public moneys of the United States, but are trust funds for which the sureties on receivers' bonds are not liable or responsible to the United States if their principals fail to pay over and account for the same."

Neither the Comptroller of the Treasury nor the Solicitor of the Treasury for the Department of Justice deem an appeal advisable, as both of said decisions were based on that of the United States Supreme Court in the Brindle case (110 U. S., 688), which covers every point in this case. The Brindle case further holds, in effect, that registers and receivers may receive the same compensation from the sale of Indian lands that they do from the sale of public lands; that if the proceeds from the sale of Indian lands are sufficient they are entitled to the maximum compensation of $3,000, in addition to the compensation allowed them by law for the sale of public lands. So that their compensation for the sale of both classes of lands may reach $6,000.

At the present time Indian lands are being disposed of at ten or more land offices, the proceeds of which amount to hundreds of thousands of dollars a year, for which the sureties on the bonds of receivers are not liable. In order to secure and protect the interests of the United States it is recommended that there be added to section 2234, Revised Statutes, as it now stands, the following words, to wit:

"Who shall have charge of and attend to the sale of the public and Indian lands within their respective land districts, as provided for by law and official regulations; and receivers shall be accountable under their official bonds for the proceeds of such sales, and for all fees, commissions, or other moneys received by them under any provision of law or official regulation."

The case of the United States *v.* Danilson et al., referred to above, was instituted at the request of this office, and the decision and its effects were by me called to the attention of the General Land Office and the above proposed legislation suggested.

It is absolutely essential to the security and protection of the interests of the United States and their wards that the legislation above recommended be at once enacted, and for the purpose of calling the attention of Congress to the matter, I respectfully request that you transmit this letter to the President of the Senate with such recommendations as you may choose to submit.

Respectfully, yours,

WM. YOUNGBLOOD, *Auditor.*

To the Honorable the SECRETARY OF THE TREASURY.

O

55TH CONGRESS, 2d Session. } SENATE. { DOCUMENT No. 53.

FOURTH OF JULY CLAIMS.

JANUARY 10, 1898.—Ordered to be printed.

Mr. COCKRELL presented the following

STATEMENT CONTAINING LETTERS OF THE QUARTERMASTER-GENERAL AND COMMISSARY-GENERAL OF SUBSISTENCE, UNITED STATES ARMY, WAR DEPARTMENT, SHOWING THE NUMBER OF CLAIMS PRESENTED UNDER THE LAW OF JULY 4, 1864, FOR STORES AND SUPPLIES FURNISHED OR TAKEN DURING THE LATE WAR, THE ACTION HAD THEREON, THEIR PRESENT STATUS, AND THE LAW OF JULY 4, 1864, AND AMENDATORY ACTS, AND THE RULES AND REGULATIONS OF THE WAR DEPARTMENT IN REGARD TO SUCH CLAIMS.

WAR DEPARTMENT,
QUARTERMASTER-GENERAL'S OFFICE,
Washington, December 22, 1897.

SIR: I have the honor to submit herewith the letter of Hon. F. M. Cockrell, United States Senator, of the 20th instant, requesting to be furnished a statement of the aggregate number of claims filed in this office under the act of July 4, 1864, their aggregate amount, the number and amount disallowed, and the amount allowed on such claims as were favorably considered, and to be informed whether the Quartermaster-General has jurisdiction to reopen and reconsider such claims, and to report that the records show that there have been received in this office 58,379 claims presented under the act of July 4, 1864, amounting, as stated, to $40,256,828.92.

Action has been taken upon these claims as follows:

19,635 claims have been approved for payment, of	$6,010,725.43
in which the sum of was disallowed.	6,832,038.64
38,647 claims, amounting to were disallowed.	27,293,396.48
Total upon which action has been taken, 58,282 claims, amounting, as stated, to	40,136,160.55

Leaving on hand not finally acted on, 97 claims, amounting, as stated, to $120,668.37.

These 97 claims are awaiting additional evidence called for, and in some cases it is presumed that the claimants have died or have abandoned the further prosecution of their claims.

Under date of November 8, 1877, the Secretary of War approved the views of the Quartermaster General, expressed in his report dated October 31, 1877, that when the Quartermaster-General hears, reads, and

decides a claim under the law of July 4, 1864, he exhausts in that decision all his power under the law, and that appeal from his decision lies only to Congress, which is always open to petition from any citizen who believes that justice has not been done him.

This decision of the Secretary of War has since been the rule in all cases where request has been made to reopen and reconsider the action of the Quartermaster-General upon claims filed in this office under the law of July 4, 1864.

Very respectfully, GEO. A. WEEKS,
Quartermaster-General, United States Army.

The SECRETARY OF WAR.

WAR DEPARTMENT,
OFFICE COMMISSARY-GENERAL OF SUBSISTENCE,
Washington, D. C., December 29, 1897.

SIR: In answer to your request of 20th instant, I have the honor to transmit herewith a statement showing the total number of claims filed in the office of the Commissary-General of Subsistence under the act of July 4, 1864, and the acts amendatory thereof, the number allowed in whole and in part, and the number disallowed.

To your inquiry whether the Commissary-General of Subsistence has authority under existing law to reconsider or reopen any such claims, I have the honor to reply that the act of July 4, 1864 (as amended by subsequent acts and now incorporated in sections 300 A and 300 B, Revised Statutes), devolved on the Commissary-General of Subsistence for the time being the duty of examining and reporting upon claims of the character referred to. Since the passage of the act of 1864 eight officers have filled the office of Commissary-General, all of whom, excepting myself and one or two of my predecessors, have exercised the functions conferred by these laws. They have in each case expressed their convictions as to the justness of the claim and as to the other points specified in the law as applicable to said claims, and forwarded the papers to the Third Auditor of the Treasury. This was done by them in all cases, whether the Commissary-General's recommendations were favorable or unfavorable to the claimants, it being claimed by the accounting officers that under section 236, Revised Statutes, all claims and demands whatever by the United States or against them, and all accounts whatever in which the United States are concerned, either as debtors or creditors, are to be adjusted and settled in the Treasury Department. In this connection attention is invited to the following decision of the Second Comptroller (in 3 Dec. 2d Comp., 531), touching this character of claims, viz:

531. Though the accounting officers can not take action on "Fourth of July" claims (see the act of July 4, 1864, 13 Stat. L., 381) until the Quartermaster-General [and Commissary-General?] transmits them to the Third Auditor with a recommendation for settlement, yet, when they have thus received them, they are not bound by the conclusions of that officer, either as to the number of items to allow or the value to be placed on them. The action to be taken by the Quartermaster-General [and Commissary-General?] is purely administrative. He is to express the views of an expert for the benefit of the accounting officers, to whom, and to whom only, belongs the function of passing upon and judicially settling these claims.

All claims of the character referred to have long since been transmitted by my predecessors to the accounting officers and are no longer before this office.

An answer to your question, therefore, whether the Commissary-General has authority under existing law to reconsider or reopon any such claim must be that he has not such authority in view of the departmental practice in respect to them. In opposition to any proposal to revive in this office the old claims which were unfavorably acted upon by my predecessors, I beg to invite attention to the earnest request of the Commissary General, made in his annual report for 1876, and reiterated by several of his successors, that the adjudication of these claims be taken away from the Commissary-General and confided to the determination of some competent tribunal. Said the Commissary-General in 1876:

The task, originally very difficult, of investigating and deciding these cases with equity and justice, becomes daily more so from the passing away, by deaths and removals, and from the imperfect memories, after lapse of so long a period, of so many officers and others alleged to have taken or received the stores or to have knowledge of them, * * * while these very difficulties but add security, if not increased facilities, to the prosecution of fraudulent claims, * * * and a proper examination of them requires more time and attention than the Commissary-General is able to give them without neglecting other and, in my opinion, more important duties appertaining to the Subsistence Department, and he should be relieved from this duty.

To that portion of your letter which inquires whether the Secretary of War has decided that he has not authority to reopen or reconsider such claims, I beg to submit the opinion of the Judge-Advocate-General of the Army, rendered May 22, 1876, on an inquiry addressed to the Secretary of War by an attorney in one of the cases under the act of July 4, 1864, in which he asks: "If, on appeal from the Commissary-General, United States Army, from a decision supposed to be erroneous, to the Secretary of War, there is in his office such a revisory power as will or can correct the error?" and also letter of the Secretary of War to the attorney, concurring in the opinion of the Judge-Advocate-General. The opinion of the Judge-Advocate-General was as follows:

The statute governing this case (sec. 300 B, Appendix to Revised Statutes) confides specifically to the Commissary-General the power and duty of examining and passing upon claims of this character. It does not declare that his action shall be subject to the approval of the Secretary of War, nor does it make him answerable to the Secretary of War for such action, but provides that when he is personally convinced that a claim is just, etc., he shall report it to the Third Auditor of the Treasury, with a recommendation for settlement.

In my opinion, therefore, the Commissary-General has been selected by Congress, not so much in his military capacity as in his character as a public official, to pass upon this class of claims, and as such has been vested with exclusive authority for the purpose. His decision, as made upon the within-mentioned claim of Pullen, is thus, in my judgment, not properly subject to review by the Secretary of War.

In communicating this opinion to the attorney, the Secretary of War, Hon. Alphonso Taft, said, under date of May 26, 1876:

Acknowledging the receipt of your appeal from the decision of the Commissary-General of Subsistence in the claim of Eaton Pullen, of Hamblen County, Tenn., as communicated to you in his letter of April 4, 1876, herewith returned as requested, I have respectfully to invite your attention to the inclosed copy of the opinion of the Judge-Advocate-General, dated the 22d instant, in which I concur, that the decision of the Commissary-General of Subsistence upon the claim is not properly subject to review by the Secretary of War.

The Secretary of War having thus decided that he had no authority to reopen or reconsider such claims, no appeals to him lay in any of these cases.

Very respectfully,

WM. H. BELL,
Commissary-General of Subsistence.

Hon. F. M. COCKRELL,
United States Senate, Washington, D. C.

Total number of claims filed in the Office of the Commissary-General of Subsistence under the act of July 4, 1864, and the acts amendatory thereof, the number allowed in whole and in part, and the number disallowed.

Claims filed.		Allowed.					Disallowed.	
		In whole.		In part.			In whole.	
No.	Aggregate amount claimed.	No.	Amount.	No.	Claimed.	Allowed.	No.	Amount.
9188	$4,962,368.17	844	$205,854.90	919	$502,107.41	$260,138.58	7425	$4,254,405.86

WM. H. BELL,
Commissary-General of Subsistence.

Law of July 4, 1864, and amendatory acts, and the rules and regulations of the War Department in regard to such claims.

GENERAL ORDERS, No. 59. } QUARTERMASTER-GENERAL'S OFFICE, *Washington, D. C., October 11, 1867.*

The following joint resolutions and acts of Congress, with rules and regulations established thereon to govern in the submission and examination of claims to be presented to the Quartermaster-General and to the Commissary-General of Subsistence, respectively, are published for the information and guidance of officers and agents of the Quartermaster's Department.

D. H. RUCKER,
Acting Quartermaster-General, Brevet Major General, U. S. A.

[Chapter 240, first session Thirty-eighth Congress.]

AN ACT to restrict the jurisdiction of the Court of Claims and to provide for the payment of certain demands for quartermaster's stores and subsistence supplies furnished to the Army of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the jurisdiction of the Court of Claims shall not extend to or include any claim against the United States growing out of the destruction or appropriation of or damage to property by the Army or Navy, or any part of the Army or Navy, engaged in the suppression of the rebellion, from the commencement to the close thereof.

SEC. 2. *And be it further enacted,* That all claims of loyal citizens in States not in rebellion for quartermaster's stores actually furnished to the Army of the United States and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipt, may be submitted to the Quartermaster-General of the United States, accompanied with such proofs as each claimant can present of the facts in his case; and it shall be the duty of the Quartermaster-General to cause such claim to be examined, and if convinced that it is just, and of the loyalty of the claimant, and that the stores have been actually received or taken for the use of and used by said Army, then to report each case to the Third Auditor of the Treasury, with a recommendation for settlement.

SEC. 3. *And be it further enacted,* That all claims of loyal citizens in States not in rebellion for subsistence actually furnished to said Army, and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipt, may be submitted to the Commissary-General of Subsistence, accompanied with such proof as each claimant may have to offer; and it shall be the duty of the Commissary-General of Subsistence to cause each claim to be examined, and if convinced that it is just, and of the loyalty of the claimant, and that the stores have been received or taken actually for the use of and used by said Army, then to report each case for payment to the Third Auditor of the Treasury, with a recommendation for settlement.

Approved July 4, 1864.

JOINT RESOLUTION No. 50, first session Thirty-ninth Congress, to extend to the counties of Berkeley and Jefferson, of West Virginia, the provisions of the preceding act, as follows:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act of Congress of July 4, 1864, entitled "An act to restrict the jurisdiction of the Court of Claims, and for other purposes," be, and the same are hereby, construed to extend to the counties of Berkeley and Jefferson, of the State of West Virginia.

Approved June 18, 1866.

JOINT RESOLUTION No. 99, first session Thirty-ninth Congress, to extend the provisions of the act of July 4, 1864, limiting the jurisdiction of the Court of Claims to the loyal citizens of Tennessee, as follows:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act of the fourth of July, 1864, entitled "An act to limit the jurisdiction of the Court of Claims," is hereby extended to the loyal citizens of the State of Tennessee.

Approved July 28, 1866.

[Chapter 57, second session Thirty-ninth Congress.]

AN ACT to declare the sense of an act entitled "An act to restrict the jurisdiction of the Court of Claims and to provide for the payment of certain demands for quartermaster's stores and subsistence supplies furnished to the Army of the United States," as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of chapter 240 of the acts of the Thirty-eighth Congress, first session, approved July 4, 1864, shall not be construed to authorize the settlement of any claim for supplies or stores taken or furnished for the use of or used by the armies of the United States, nor for the occupation of or injury to real estate, nor for the consumption, appropriation, or destruction of or damage to personal property by the military authorities or troops of the United States, when such claim originated during the war for the suppression of the Southern rebellion in a State, or part of a State, declared in insurrection by the proclamation of the President of the United States, dated July first, 1862, or in a State which, by an ordinance of secession, attempted to withdraw from the United States Government: *Provided,* That nothing herein contained shall repeal or modify the effects of any act or joint resolution extending the provisions of the said act of July 4, 1864, to the loyal citizens of the State of Tennessee, or to the State of West Virginia, or any county thereof.

Indorsed by the President: "Received February 9, 1867."

[NOTE BY THE STATE DEPARTMENT.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

JOINT RESOLUTION No. 50, second session Thirty-ninth Congress, to extend the provision of section two of the act of July 4, 1864, limiting the jurisdiction of the Court of Claims to cases of quartermaster's stores furnished to the forces of Major-General Lewis Wallace during the Morgan raid through the States of Indiana and Ohio in the summer of 1863, as follows:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section two of the above-entitled act be, and they are hereby, extended to cover all cases where quartermaster's stores were actually furnished to the forces under the command of Major-General Lewis Wallace, and duly receipted for by persons acting under his authority, and whose authority shall be proven to the satisfaction of the accounting officers, during the Morgan raid through the States of Indiana and Ohio in the summer of eighteen hundred and sixty-three, and for the purpose of giving such receipts for property so applied, the said persons shall be held to be proper officers of the Government.

Approved March 2, 1867.

The following rules and regulations to govern in the submission and examination of claims to be presented to the Quartermaster-General and to the Commissary-General of Subsistence, respectively, under the act of July 4, 1864, and the several acts and joint resolutions amendatory and explanatory thereof, as herein published, entitled "An act to restrict the jurisdiction of the Court of Claims and to provide for the

payment of certain demands for quartermaster's stores and subsistence supplies furnished to the Army of the United States," and the evidence of proofs which must accompany them, are hereby established:

I. CLAIMS TO BE SUBMITTED TO AND EXAMINED BY THE QUARTERMASTER-GENERAL.

All claims of loyal citizens in States not in rebellion for "quartermaster's stores" actually furnished to the Army of the United States, and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipts.

II. CLAIMS TO BE SUBMITTED TO AND EXAMINED BY THE COMMISSARY-GENERAL OF SUBSISTENCE.

All claims of loyal citizens, in States not in rebellion, for "subsistence" actually furnished to said Army and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipts.

III. PROOFS REQUIRED IN SUPPORT OF THE ABOVE CLASSES OF CLAIMS.

(1) That the claimant is a loyal citizen of a State not in rebellion. (Claims of citizens of the following States declared by the President of the United States, by his proclamation of the first day of July, 1862, to be in insurrection, will not be considered, viz: Arkansas, Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia.)

(2) *Citizenship.*—The claimant will be required to show by his own affidavit, supported by the certificate of the clerk or recorder of the town or county of which he claims to be a citizen, that said claimant is a citizen of said town or county.

(3) *Loyalty.*—The claimant will be required to file with his claim the oath of allegiance to the Government of the United States, as prescribed by the President's proclamation of the 8th of December, 1863, supported by the certificate of a United States officer, civil or military, that the said claimant was, at the date his claim originated, and has been ever since, loyal to the United States; or the sworn statement of the same facts of at least two witnesses, whose loyalty and credibility shall be vouched for by the certificate of the officers before mentioned.

(4) Claims arising under this act must be presented by the claimant or his authorized attorney, and, in the latter case, it must be shown by the certificate of the assessor or collector of his district that he has been duly licensed and authorized to act as a claim agent.

IV. VALIDITY OF CLAIMS.

First. When quartermaster's stores or subsistence supplies have been taken by officers and receipted for, all of such receipts or vouchers must be filed, or their absence in any case must be fully and satisfactorily explained by proper evidence.*

Second. When such stores or supplies have been taken by officers without giving such receipts, the claim must set forth the kinds and quantity of stores or supplies, when, where, and by what officer taken, the price or value thereof, and must be supported by the affidavit of the claimant as to the correctness of the claim; that the articles named in the claim were actually delivered to or taken by said officer for the use of the Army; that no receipt or voucher has been received therefor; that no payment has been made or compensation received in any way or from any source whatever for the whole or any part of said claim; that it has not been transferred to any person or persons whomsoever, and that the rates or prices charged are reasonable and just, and do not exceed the market rate or price of the article at the time and place stated.

Third. In all cases, whether or not receipts have been given for the stores or supplies, the affidavit required by the next preceding paragraph must be supported by such additional affidavits, or other proofs in relation to the facts stated, as may be obtainable. The credibility of the claimant and of the witnesses must be vouched for by the certificate of an officer of the United States, civil or military. If receipts have been given, the affidavit above referred to will be modified, so far as it relates to receipts or vouchers, substantially as follows: That all of the receipts or vouchers given for such stores or supplies are hereto annexed.

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* By "receipts or vouchers" is meant each and every copy of any and all documents—in whatever form, whether in ink or in pencil—given by or bearing the signature of any officer in the service of the United States (or by any enlisted man in such service, acting under proper authority) for or relating to the whole or any portion of the stores for which payment is claimed. The attention of agents and attorneys is particularly called to a strict compliance with this requirement in presenting claims.

Fourth. Proof must be furnished as far as attainable that the quartermaster's stores or subsistence supplies mentioned have been actually used by the Army of the United States. This proof should, whenever practicable, consist of the certificate or affidavit of the officer who took the stores, or who ordered them to be taken, or who, after such taking, took them in charge, setting forth the fact of such taking, to what use the stores were applied, and whether or not they have been accounted for as required by the regulations of the Army, and, if accounted for, upon what returns, or, if not, the reason for failing to account for the same, or, in case the above proof is not attainable, the certificates of other officers, or the affidavit of a soldier or some other credible witnesses knowing the facts, setting forth by whom and for what purpose the property was taken and to what use it was applied.

Fifth. Claims for damages or for losses sustained by thefts or depredations committed by troops, or so much of a charge for stores or supplies as is an element of damages, will not be considered under these acts and joint resolutions.

Sixth. Powers of attorney, legally executed by claimants to agents (bearing properly affixed and canceled internal-revenue stamps), must accompany claims presented by agents.

Seventh. The general allegation that stores, for which payment is claimed, were taken by the officer in command of a large body of troops, for whose subsistence or use the property was applied, or by his order, is not sufficient to establish a claim under this act. Such officers seldom, if ever, personally receive stores (that duty devolving upon subordinate officers), and, though issuing orders authorizing the taking of the property as a military necessity, seldom have any knowledge whatever of the particular cases affected by the execution of such orders on the part of their subordinates, except, perhaps, in some few cases arising under peculiar circumstances. Therefore, to facilitate the examination of claims, and to enable the officers deciding them to comply with that clause of the law requiring them, before recommending claims for payment, to be "convinced" that the property was taken in the manner and for the purpose therein set forth (as distinguished from thefts and depredations by whomsoever committed), claimants are required to furnish the following information (or so much of it as they reasonably may) as a part of their sworn declaration in each case, viz:

1. The name, rank, regiment, and, when known, the post-office address of each officer who took any portion of the stores.

2. Immediately after each officer's name and designation state the articles and quantities (with their prices) taken by him, together with the exact date when and locality where taken.

3. Name the brigade, division, and corps with which, or the station or post at which, each officer was serving; the name and official designation of the commissary or acting commissary of subsistence of that brigade, station, or post, and that of the officer in immediate command thereof at the time; and add thereto such attendant facts and circumstances as transpired at the time in any way bearing upon the case.

4. State the exact locality of claimant's present residence; if in a city, give street and number; if in the country, the nearest post-office.

5. The claims must be legibly written; and particular care should be taken in the "declarations" of claimants, and in the affidavits of witnesses, to correctly state the month and year in which the transaction occurred.

Eighth. Claimants will be required to prove the genuineness of the signatures to the receipts filed in support of claims submitted under joint resolution No. 50, of March 2, 1867, and to furnish evidence that the persons executing such receipts were acting under the authority of Major-General Wallace.

D. H. RUCKER,
Brevet Major-General and Acting Quartermaster-General.
A. B. EATON,
Brevet Major-General and Commissary-General of Subsistence.

Approved October 10, 1867.

U. S. GRANT,
Secretary of War ad interim.

NOTE.—The following is the legislation of Congress affecting the payment of claims since the *acts* and *resolutions* before quoted:

AN ACT making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes.

* * * * * * *

SEC. 2. That all balances of appropriations, for whatever account, made for the service of the departments of the Quartermaster-General *and of the Commissary-General of Subsistence prior to July first, eighteen hundred and seventy-two*, which *on the thirtieth day of June, eighteen hundred and seventy-four*, shall remain *on* the books

of the Treasury, *shall be carried to the surplus fund*, except such as the Auditor of the Treasury whose duty it is to settle accounts against such appropriations shall certify to the Secretary of the Treasury to be necessary in the settlement of such accounts as have been reported to him for payment by the Quartermaster's and the Commissary Departments pending in his office. *And the Quartermaster-General, Commissary-General, and Third Auditor of the Treasury shall continue to receive, examine, and consider the justice and validity of such claims as shall be brought before them under the act of July fourth, eighteen hundred and sixty-four, and the acts amendatory thereof; and the Secretary of the Treasury shall make report of each claim allowed by them, at the commencement of each session of Congress, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration.*

Approved June 16, 1874.

APPENDIX.

Extracts from an act for the allowance of certain claims reported by the accounting officers of the Treasury Department:

* * * * * * *

SEC. 2. No claim shall hereafter be allowed by the accounting officers, under the provisions of the act of Congress approved June sixteenth, eighteen hundred and seventy-four, or by the Court of Claims or by Congress, to any person, where such claimant, or those under whom he claims, shall willfully, knowingly, and with intent to defraud the United States, have claimed more than was justly due in respect to such claim, or presented any false evidence to Congress, or to any Department or court in support thereof.

Approved April 30, 1878.

[Extract from an "Act for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, and for other purposes."]

* * * * * * *

SEC. 2. That the agents appointed under the provisions of sections two and three of the act approved July fourth, eighteen hundred and sixty-four, entitled "An act to restrict the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermaster stores and subsistence supplies furnished to the Army of the United States," and acts amendatory thereof, to investigate and report upon all claims filed under said act, are hereby authorized to administer oaths and affirmations and to take depositions of witnesses.

SEC. 3. That all claims not presented and filed under said act and the acts amendatory thereof prior to the first day of January, anno Domini eighteen hundred and eighty, shall be forever barred.

Approved March 3, 1879.

55TH CONGRESS, 2d Session. } SENATE. { DOCUMENT No. 54.

MISSION INDIANS OF CALIFORNIA.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

DRAFT OF A BILL TO AMEND AN ACT ENTITLED "AN ACT FOR THE RELIEF OF THE MISSION INDIANS IN THE STATE OF CALIFORNIA," TOGETHER WITH COPY OF INDIAN OFFICE REPORT RELATING TO THE SAME.

JANUARY 11, 1898.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, January 10, 1898.

SIR: Under my direction the Commissioner of Indian Affairs has prepared a draft of a bill to amend an act entitled, "An act for the relief of the Mission Indians in the State of California," which is herewith submitted with recommendation for favorable consideration.

This additional legislation is found necessary in order to include in the several Mission reservations certain tracts of land occupied and cultivated by the Indians, as shown by the accompanying copy of Indian Office report of the 1st ultimo.

The Commissioner of the General Land Office, in reporting on this matter, under date of 6th ultimo, states that the records of his office show that of the tracts recommended for additional reservations, all are either vacant or have been reserved for the several bands of Indians, except the NW. ¼ and the NW. ¼ of SW.¼, sec. 33, T. 1 N., R. 9 E., and sec. 16, T. 7 N., R. 8 E., which have passed to the Southern Pacific Railroad Company and to the State of California.

Very respectfully,

C. N. BLISS, *Secretary.*

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 1, 1897.

SIR: By office letter to the Department dated January 30, 1895, it was shown that the late Mission Indian Commission selected certain tracts of land for reservations for the several bands of Mission Indians

in California under the provisions of the act of January 12, 1891 (26 Stat. L., 712), and that patents had been issued, among others, for the following: Campo, La Posta, Manzanita, Cuyapipe or Long Canyon, Laguna, and Inaja; that section 2 of the said act of 1891 made it the duty of said Commission to include in each reservation "the lands and villages which had been in the actual occupation and possession of said Indians, and which shall be sufficient in extent to meet their just requirements."

It was further shown that reports had been received from time to time from United States Indian Agent Estudillo and Special Allotting Agent Patton showing that the lands selected for and patented to the Indians belonging on the reservations named above did not include certain tracts occupied and cultivated by the Indians, and it was therefore recommended that if there should be found to exist no legal objection thereto the Commissioner of the General Land Office be requested to issue additional patents for the tracts designated in said communication; or, if it must be decided that this could not be done, that the several tracts then be recommended for reservation by Executive order.

Under date of February 27, 1895, the Department advised this office that as these reservations have been determined as provided by the act of January 12, 1891, and patents issued therefor as required by said act, it may be doubtful if additional lands can, without further action of Congress, be added thereto, but in order that the Indians may be protected in the lands occupied by them, and in their possession, until that question could be fully considered and determined, the Commissioner of the General Land Office was on that date (February 27, 1895,) requested to withhold the tracts mentioned in office letter of January 30 from entry and settlement until further directed.

A letter from the Commissioner of the General Land Office to the Department, dated March 30, 1895, which was referred to this office for report, showed that some of the tracts directed to be withheld were in conflict with entries. In office report thereon, dated April 6, 1895, it was stated that in recommending the reservation of the several tracts mentioned in office letter of January 30 it was not intended to include any to which valid rights had attached, and it was therefore recommended that the Commissioner be requested to withhold from entry those tracts which were free from conflict.

Upon the report of Inspector Lane, dated February 26, 1897, relative to the land and water needs of some of these Indians, recommending that a special agent or inspector be directed to examine the reservations, with authority to employ a surveyor for the purpose of properly locating them, Special Allotting Agent Patton was directed, April 3 last, to proceed, with the deputy surveyor then employed under his supervision, to do the work. Mr. Patton was instructed to make it his first and most important duty to ascertain to a certainty such tracts of land as were in the actual use and occupation of the Indians belonging to the several reservations which were either not selected by the Commission or, having been selected, were not patented for some reason; also, in designating these tracts to report the number of Indians on each, the character of the land and the improvements thereon, and show the practicability of removing the Indians to lands within the limits of their reservations as selected. His report, dated September 27 last, shows that eight of the reservations require additional land. I give below each of the reservations as patented or as selected by the Commission and the additions recommended by Mr. Patton.

CAMPO.

Patented.—SW. ¼ NE. ¼, NW. ¼ SW. ¼, W. ½ and SE. ¼, NW. ¼ of sec. 3, and E. ½ NE. ¼ sec. 4, T. 18 S., R. 5 E. This was recommended by the Commission.

Special Agent Patton recommends that there be added thereto: NE. ¼ NW. ¼ sec. 3, T. 18 S., R. 5 E. He states that the Indians' cemetery, reservoir, a hut, the largest portion of their garden, and a part of their grain land are on said quarter.

INAJA.

Patented.—NE. ¼ and S. ½ of SE. ¼ of sec. 26, and NE. ¼ of sec. 35, T. 13 S., R. 3 E., as recommended by the Commission.

Special Agent Patton recommends that there be added thereto: NW. ¼ SE. ¼ sec. 26, T. 13, R. 3 E. He states that the NE. ¼ of SE. ¼ of said section 26 is patented to one Jesse Podd, and is not claimed or used by the Indians, but the NW. ¼ of SE. ¼ is in their possession, and should be patented to them.

MANZANITA.

Patented.—Section 26, T. 16 S., R. 6 E., as recommended by the Commission.

Special Agent Patton recommends that there be added thereto: W. ½ NW. ¼ and NW. ¼ SW. ¼ sec. 25; NE. ¼ and E. ½ NW. ¼ sec. 35, T. 16 S., R. 6 E. He states that the NW. ¼ and west ⅔ of the W. ½ of the NE. ¼ of sec. 26, T. 16 S., R. 6 E., which is included in patent to the Indians, is fenced off and in the possession of Peter McCain. His patent calls for section 23, which is worthless, but his (Patton's) surveyor puts him on the reservation. The Indians are in possession of the lands which he recommends be added to the reservation.

LA POSTA.

Patented.—S. ½ SE. ¼ and SE. ¼ SW. ¼ sec. 31, T. 16 S., R. 6 E.; N. ½ NE. ¼ and NE. ¼ NW. ¼ sec. 6, T. 17 S., R. 6 E., as recommended by the Commission.

Special Agent Patton recommends that there be added thereto: S. ½ NE. ¼ and SE. ¼ NW. ¼ sec. 6; S. ½ of N. ½ of sec. 5, T. 17 S., R. 6 E., and S. ½ and NW. ¼ of SE. ¼ sec. 24, and N. ½ NE. ¼ sec. 25, T. 16 S., R. 5 E. He states that the patented land is worthless, that the Indians are not living thereon, and that they are living on and cultivating the tracts which he recommends be added to their reservation.

LAGUNA.

Patented.—NW. ¼ sec. 33, T. 14 S., R. 5 E., as recommended by the commission.

Special Agent Patton recommends that there be added thereto: SW. ¼ SW. ¼ sec. 28, and N. ½ SW. ¼ sec. 33, T. 14 S., R. 5 E.

CUYAPIPE.

Patented.—E. ½ of E. ½ of 19; W. ½ of SE. ¼ and W. ½ of 20; NE. ¼ and W. ½ of NE. ¼; NW. ¼ of SE. ¼ and NW. ¼ of sec. 29, T. 15 S., R. 6 E., as recommended by the commission.

Special Agent Patton recommends that there be added thereto: W. ½ NE ¼ and NW. ¼ of sec. 19, and S. ½ SE. ¼ sec. 29, T. 15 S., R. E. He states that the Indians are now in possession of these lands and need them.

TWENTY-NINE PALMS.

Patented.—NW. ¼ sec. 4, T. 1 S., R. 9. E. The commission also recommended that the SW. ¼ sec. 33, T. 1 N., R. 9 E., for this band of Indians.

Special Agent Patton recommends that there be added thereto: NW. ¼ and N. ½ of SW. ¼ sec. 33, T. 1 N., R. 9 E.

TORROS.

Selected by commission, but not not yet patented: Secs. 2 and 12, T. 7 S., R. 7 E.; 7, 8, 9, 10, 14, 15, 22, 23, 24, 25, 26, 35, and 36, T. 7 S., R. 8 E.; 1, 2, and 12, T. 8 S., R. 8 E.; 6, 7, 8, 18, 19, 20, 29, 30, and 32, W. ½ of 28 and E. ½ of 31, T. 8 S., R. 9 E.; 5, 7, and 8, W. ½ of 4, E. ½ of 6, and W. ½ of 9, T. 9 S., R. 9 E.

Special Agent Patton recommends that there be added thereto sec. 16, T. 7 S., R. 8 E. He states that on this section are located the Government school, an artesian well, two mission buildings and Indian well, and two rancherias. This section passed to the State as school land, and the State has expressed its willingness to relinquish and select other land in lieu thereof.

I inclose copy of Special Agent Patton's report.

It was the purpose of this office, in directing Special Agent Patton, with a surveyor, to make this investigation, to have it thoroughly done and have the whole business treated and settled at one time rather than by piecemeal. I believe that the tracts described above and recommended by Mr. Patton as additions to the several reservations are needed by the Indians and that they should have been selected for reservation by the Mission commission. They should be secured to them now, so far as practicable, in order to carry out the intention of the act of January 12, 1891, which made it the first duty of the commission "to select a reservation for each band or village of the Mission Indians residing within the said State, which reservation shall include, as far as practicable, the lands and villages which have been in the actual occupation and possession of said Indians, and which shall be sufficient in extent to meet their just requirements."

As there is some variance between the tracts now recommended by Special Agent Patton and those designated in office letter of January 30, 1895, I have the honor to recommend the reference of this communication to the Commissioner of the General Land Office for report as to the present status of the several tracts above described as recommended for reservation by Mr. Patton, and that upon receipt of such report the Department again consider the question raised in its letter to this office dated February 27, 1895, as to how the additional tracts can best be secured to the Indians. If it shall be held that the said tracts can not be patented to the Indians under existing law and that they can not be secured by Executive order, this office will be glad to prepare a draft of bill for Congress, if such action shall accord with the views of the Department.

Very respectfully, your obedient servant,

A. C. TONNER,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

UNITED STATES INDIAN SERVICE,
IN THE FIELD, MISSION AGENCY,
Shorb, Cal., September 27, 1897.

SIR: I have the honor to present herewith my report of work done under the instructions contained in your letter "Land," 10653-1897.

The commencement of this work was delayed until July, owing to the exhaustion of the appropriation and on telegraphic instructions from your office. I have made a most thorough and careful examination of the reservations mentioned in your letter, with the following result:

CAMPO RESERVATION.

In addition to the lands patented, the Indians are in possession of the following lands: The NE. ¼ of the NW. ¼ of sec. 3, T. 18 S., R. 5 E, S. B. M. On the land is the cemetery, reservoir, a hut, 3 acres of garden, and 1½ acres of grain land. The above tract should be patented to the Indians; even with that it will be difficult for the Indians to eke out their miserable existence. There are only nine Indians here, mostly old, with only a few years of life left to them. (See surveyor's report for area and quality of lands.)

INAJA RESERVATION.

The NE. ¼ of SE. ¼ of sec. 26 is patented to Jesse Podd, and is not claimed or used by the Indians. The NW. ¼ of SE. ¼ of sec. 26 is in possession of the Indians and should be patented to them, while the Podd land should be eliminated from the patent. These Indians have enough land and water to enable them to live with some degree of comfort.

MANZANITA RESERVATION.

The NW. ¼ and W. ½ of the W. ½ of the NE. ¼ of sec. 26, T. 16 S., R. 6 E., is fenced off and in the possession of Peter McCain. His patent calls for sec. 23, which is worthless, but our survey puts him on the reservation. He settled on the place over twenty years ago, and has a house, barn, orchard, and 25 acres of garden, meadow, and pasture land.

There should be added to the land patented to these Indians the W. ½ of NW. ¼ and NW. ¼ of SW. ¼ of sec. 25, and the NE. ¼ and E. ½ of NW. ¼ of sec. 25, T. 16 S., R. 6 E. The Indians are in possession of these lands. This reservation is very close to the Mexican line, and its population is constantly recruited from below the line. There are forty Indians living here.

LA POSTA RESERVATION.

Here the Indians are all living off the lands selected for and patented to them. The patented land is worthless.

The lands on which they live and which should be patented to them are S. ½ of NE. ¼ and SE. ¼ of NW. ¼, sec. 6, T. 17 S., R. 6 E., S. B. M., and S. ½ of NE. ¼ and S. ½ of NW. ¼, sec. 5.

The Indians also farm some land on N. ½ of NE. ¼, sec. 25, and S. ½ of NW. ¼, sec. 24, T. 16 S., R. 5 E., and this should be patented to them although it is not contiguous to the reservation.

There are thirty Indians here, and they have not nearly enough tillable and pasture lands for their needs. Their water supply is ample.

LAGUNA RESERVATION.

Here there is great difficulty. It seems that in 1893 a man named Dr. Harper bought a State school lieu land selection, which covered some of the lands the Indians had occupied for a hundred years past, but which had not been included in their patent. This is SE. ¼ of SE. ¼ sec. 29, and a portion of E. ½ of NE. ¼ sec. 32, T. 14 S., R. 5 E. There should be added to the patented lands of these Indians the SW. ¼ of SW. ¼ of sec. 28, and N. ½ of SW. ¼ of sec. 33.

There are only five Indians living here, but they are as bitter over the loss of their lands as if they numbered a thousand. The Indians were unquestionably in possession of and cultivating these lands when Harper got them in 1893 as lieu lands.

CUYAPIPE RESERVATION.

Here there are 45 Indians living on less than 10 acres of first-quality land and 40 acres of second-rate land.

There is nothing in the quality and extent of their lands to explain why they have

not starved to death long ago. That they have not starved is probably due to the great number of ground squirrels and acorn-bearing trees on and near their reservation. They are herded up in a narrow canyon which it is impossible to penetrate with a wagon.

By adding the following to their patented lands they will receive a few acres of good land, which they are already in possession of: S. ½ of SE. ¼ sec. 29, T. 15 S., R. 6 E., and NW. ¼ and W. ½ of NE. ¼ sec. 19.

As to NW. ¼ of sec. 33, the W. ½ of it, which is all of it that is good, is fenced, cultivated, and claimed by George W. Thing, who filed a declaratory statement on it in 1889. He did not perfect his entry and the land was suspended by Commissioner's letter in 1895.

I do not know what Thing's rights are in the matter, but he can not enter it while it is under suspension and the Indians can not get it while he is in possession of it. Thing has a house, orchard, garden, and alfalfa patch on the place, and nearly all the W. ½ of the NW. ¼ is good. The Indians have never lived upon or claimed this land, and it does not join the reservation, but corners upon S. ½ of SE. ¼ of sec. 29, which I have recommended be patented to the Indians.

I would suggest that steps be taken to determine whether this land shall be patented to the Indians or the suspension be lifted and Thing allowed to perfect his entry.

The SE. ¼ of NE. ¼ and NE. ¼ of SE. ¼ of sec. 29 is patented to one Fowler and it is impossible to add it to the reservation.

There are a great many Indians on the Cuaypipe Reservation and some steps should be taken to alleviate their poverty-stricken condition.

TORRES RESERVATION.

The Indians are in possession of sec. 16, T. 7 S., R. 8 E., which is a State school section. On this section is located the Government school and artesian well. There are also two mission buildings, erected by the Moravians, an Indian well, and two rancherias on this section. The artesian well is not flowing owing to its being choked with sand. It was a good well at first and can be made so again at a cost of several thousand dollars.

I would suggest that steps be taken to secure section 16 from the State of California and patent it to the Indians.

TWENTY-NINE PALMS.

Here the Indians are off the worthless lands patented to them and are occupying an oasis on section 33, which is within the indemnity limits of the grant to the Southern Pacific Railway Company.

They are in possession of the NW. ¼ and N. ½ of SW. ¼, sec. 33, T. 1 N., R. 9 E., excepting a 4-acre tract in the northeast corner of the NE. ¼ of SW. ¼ of sec. 33.

There are about twenty-five Indians here, and they live principally upon "chuckwallas," a desert turtle, and mesquite beans.

The foregoing is a plain statement of the facts as I found them.

I inclose herewith the report and maps of the United States deputy surveyor who accompanied me. The plats show the patented and occupied unpatented lands at the various reservations.

At only one or two of these reservations do the Indians live like human beings, and their condition is most miserable. It is useless, however, to try to persuade them to remove from the neighborhood of the lands they now occupy. I have painted the beauties of Capitan Grande, Mesa Grande, Cohuilla, and other reservations where the lands are plentiful and fertile. I have offered to each family more good land than the whole tribe now has, and I have always been told that they will not move.

They say they were born where they now live, their children were born there and their forefathers are buried there, and when they die they want to lie beside their ancestors. I have never before seen such devotion to home and veneration for kindred ties as exhibited by these poor Indians.

At one reservation the Indians intimated that they would move if I would exhume the bones of their ancestors and reinter them at their new home. They are all anxious for more and better land, but they want it in the immediate neighborhood of their present homes. They can not understand why it is impossible for me to give them the adjacent lands occupied by white men. They know that their forefathers used to own these lands, for not only is it handed down to them by tradition, but many an old Indian now living has pointed out to me a spot in the midst of some fertile valley, now occupied by a white man, and said he was born there. If these Indians could once be brought to understand the justice of taking from them the lands they used to own and driving them back into narrow canyons, they would doubtless be satisfied, but I was not equal to the task of explanation.

These are not bad or troublesome Indians. They are industrious and in the main sober, and under proper conditions would be possessed of some ambition, but their present lot is a hard one.

In my report I have followed your instructions to treat these Indians with the utmost fairness. It would indeed be a hard-hearted man who would treat them otherwise. I only regret that it lies not in my power to recommend some feasible plan to ameliorate their condition.

The only thing that suggests itself is for the Government to purchase some of the good lands adjacent to the reservations. It would require only a few thousands of dollars to acquire enough lands to put these Indians in a position to live comfortably. There are no vacant Government lands to give them. The lands that I have recommended be added to the reservations only contain a few acres of good land to the quarter section.

As to the question of water, there is no necessity for developing a supply at any of these reservations, as they have no land upon which it can be used.

The artesian well at Torres should be repaired, or a new one sunk, as water is badly needed there for stock.

The Indian agent should be instructed to see that the San Diego Flume Company keeps its agreement to supply the Capitan Grande Indians with water.

Very respectfully,

HENRY W. PATTON,
United States Special Allotting Agent.

The COMMISSIONER OF INDIAN AFFAIRS, *Washington, D. C.*

A BILL to amend an Act entitled "An Act for the relief of the Mission Indians in the State of California."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section three of the Act approved January twelfth, eighteen hundred and ninety-one, entitled "An Act for the relief of the Mission Indians in the State of California," be, and the same hereby is, so amended as to authorize the Secretary of the Interior to cause to be patented to the Mission Indians such tracts of the public land of the United States, in the State of California, as he shall find upon investigation to have been in the occupation and possession of the several bands or villages of Mission Indians, and are now required and needed by them, and which were not selected for them by the commission as contemplated by section two of the said Act: *Provided,* That no patent shall embrace any tract or tracts to which valid existing rights have attached in favor of any person under any of the United States laws providing for the disposition of the public domain.

55TH CONGRESS, 2d Session. } SENATE. { DOCUMENT No. 55.

BUILDINGS OF UNITED STATES NAVAL ACADEMY.

LETTER

FROM

THE SECRETARY OF THE NAVY

TO

HON. EUGENE HALE, CHAIRMAN OF THE COMMITTEE ON NAVAL AFFAIRS, UNITED STATES SENATE, RELATING TO CERTAIN BUILDINGS OF THE UNITED STATES NAVAL ACADEMY AT ANNAPOLIS, MD., AND TRANSMITTING CERTAIN OTHER LETTERS AND REPORTS.

JANUARY 11, 1898.—Presented by Mr. HALE, referred to the Committee on Naval Affairs, and ordered to be printed.

NAVY DEPARTMENT,
Washington, January 8, 1898.

SIR: On the 23d of November last the Bureau of Navigation forwarded to this Department a report from the superintendent of the Naval Academy, Annapolis, Md., setting forth that the recitation hall at that institution, daily used by about 250 cadets, was "liable to collapse at any time," and recommending that immediate action be taken "with a view to preventing some terrible catastrophe." The Department immediately, by telegraph, directed the superintendent of the Academy to discontinue the use of the recitation hall reported unsafe, and to provide for recitations elsewhere. At the same time orders were issued to Civil Engineer Mordecai T. Endicott, an officer on duty in the Bureau of Yards and Docks, Navy Department, directing him to proceed to Annapolis and make a thorough inspection of the condition of the building referred to in the superintendent's report. As a result of the civil engineer's inspection, the recitation hall was condemned, not only upon the ground that it was unsafe to use it as such, but for the further reason that its dilapidated condition and threatened collapse endangered neighboring structures, and the recitation hall was torn down in order to avoid probable accident. The Department then presented to the Committee on Appropriations of the House a request for an appropriation of $5,000, to be immediately available, for the purpose of constructing a temporary structure of sufficient capacity to meet present emergencies. Such appropriation has been made and the work is now in progress.

In the course of the investigation which was made in connection with the condemnation of the recitation hall attention was directed to the condition of the buildings at the Naval Academy generally, and it was found that many of them are regarded by officers well acquainted with the matter as very unsuitable for the purposes for which they are used, either by reason of original unfitness in design or because the requirements of the Academy have outgrown their capacity; that others in daily use are in a dilapidated, if not an unsafe, condition; and that the work of the institution has been and is now being carried on at disadvantage because of an insufficient and unsuitable equipment in this particular.

By reference to the files of this Department it further appears that the matter of the inadequacy of the buildings at the Academy has heretofore been made the subject of official report by the superintendent and other officers connected with its work, and particularly that under date of July 5, 1895, a board, of which Commodore (now Rear-Admiral) Edmund O. Matthews, United States Navy, was senior member, was appointed by Secretary Herbert and instructed "to examine and report upon the present condition of the grounds and buildings and upon the sanitary condition of the Academy," with recommendations for submission to Congress respecting new buildings, repairs, and improvements deemed necessary to the efficiency of the institution. The report of this board, having been transmitted to the Senate May 21, 1896, was printed as Senate Doc. No. 288, Fifty-fourth Congress, first session.

It thus appearing, from incidental examination of the subject, that the condition of the buildings at the Naval Academy is such as to demand serious attention, the matter was given consideration by the Assistant Secretary of the Navy, whose conclusions are embodied in a letter, dated the 27th ultimo (copy herewith, marked 1), to which the attention of the committee is particularly invited. From this letter, and from a report made under date of the 16th ultimo by the superintendent of the Naval Academy, the committee will perceive that the various structures now in use there have been erected from time to time as required, without regard to any fixed or well-defined plan, and that certain of them, and those the more important, must of necessity be replaced at an early date.

The board appointed, as above stated, by Mr. Herbert in 1895, after a careful examination of the entire subject, reached the conclusion that "the present buildings are, with few exceptions, in very bad condition and not warranting the expense of the extensive repairs that would be needed to render them safe and serviceable, which repairs would be only temporary; and even then they are so misplaced as to be very inconvenient."

Since this report was made the following important buildings have been surveyed and found to be unsafe:

(1) The armory, which was abandoned until supported by the erection of heavy timber props along the western wall;

(2) The boathouse, which was declared unsafe for many of its original purposes and unworthy of repair; and

(3) The main recitation hall, now being demolished as a menace to life.

Inasmuch as it has become necessary to replace certain of the buildings at the Naval Academy, and in view of the generally unsatisfactory condition of other structures now utilized in connection with the work of that institution, some rebuilding must be done in any case, and it seems

clearly desirable that a coherent and well-considered plan should be adopted in any work of reconstruction or rebuilding which may be authorized. Such a plan has been formulated, and is set forth in some detail in the report of the Matthews Board, to which reference has been made in a preceding paragraph of this letter. This plan is earnestly commended by the superintendent of the Academy, and, in its general features at least, meets the approval of the Department.

My purpose in inviting attention to this matter at the present time is to acquaint the committee fully with what is deemed to be a suitable general schedule upon which the rebuilding now necessary can be done in such a manner that without interfering with the current routine of the Academy each separate structure as completed will be found well suited, not only to the purpose or purposes for which it is specifically intended, but will also prove satisfactory in its practical and architectural relations to the entire system of buildings which, doubtless, will ultimately be provided for the use of the Academy. It is believed that if the buildings now and hereafter from time to time required to meet imperative needs are erected according to a systematic and well-thought-out general plan, the ultimate expenditure which the Government will be called upon to bear will not be greater, while the results will be far more satisfactory than if the incidental and in some sense haphazard methods heretofore, from the necessities of the case pursued, were to be continued.

Upon this ground, and in consideration of the place which the Naval Academy has occupied in the past as a national institution, and of the far more important field which it should occupy in the immediate future consequent upon the aspect of present naval development in this and other countries, I have the honor to recommend that the necessary appropriations be made. It would be poor economy to construct at great expense a numerous fleet of modern vessels of war, complicated in every feature, without at the same time making ample and generous provision for the training of a body of officers who shall possess the requisite technical skill to care for and handle them economically, safely, and, should national emergency arise, effectively.

In order to place this matter in such a form that it may be directly considered and acted upon, if approved by the committee, I have caused to be drawn and inclose herewith the draft of a clause suitable for insertion in the pending naval appropriation bill providing for certain of the appropriations which are most urgently needed if the plan proposed is to be adopted.

These appropriations, if authorized, will provide for the construction of three new buildings, an armory, a boathouse, and a power house; for the removal of certain buildings used as officers' quarters now occupying the site required for the armory and the erection of four blocks of houses for officers' quarters elsewhere; for the construction of a seawall on the river side of the Academy grounds, with the necessary dredging and filling in, and for grading, electric-light wiring, the removal of the old buildings, and preparing plans for the structures contemplated.

The papers herewith transmitted are:

(1) Copy of letter of the Assistant Secretary of the Navy, dated December 27, 1897.

(2) Copy of report of the Superintendent of the Naval Academy, dated December 16, 1897, with copies of appended plans, therein referred to, marked respectively A and B.

A duplicate of this communication has to-day been addressed to the chairman of the Committee on Naval Affairs of the House of Representatives.

Very respectfully, JOHN D. LONG,
Secretary.

Hon. EUGENE HALE,
Chairman of the Committee on Naval Affairs,
United States Senate.

Draft of clause for insertion in naval appropriation bill.

And the Secretary of the Navy is authorized to contract for the construction, at the Naval Academy, Annapolis, Maryland, of a building suitable for use as an armory, at a cost not to exceed three hundred thousand dollars; a boathouse, at a cost not to exceed three hundred thousand dollars; a power house, at a cost not to exceed one hundred thousand dollars; four double houses for officers' quarters, at a cost not to exceed sixty thousand dollars; and for grading, electric-light wiring, removing old buildings, and preparing plans, at a cost not exceeding ninety thousand dollars; and the sum of five hundred thousand dollars is hereby appropriated toward the construction of the public works herein authorized.

(1.)

NAVY DEPARTMENT, OFFICE ASSISTANT SECRETARY,
Washington, December 27, 1897.

SIR: I have the honor herewith to inclose a letter from Captain Cooper, the superintendent of the Naval Academy, at Annapolis, Md., which explains itself. I also inclose the plans, etc., to which he refers.

The situation in brief is this: The Government naval school at Annapolis, which has done such literally invaluable service in turning out naval officers of as high a type as have ever been in the navy of any nation, has had to work under difficulties in the way of material which have steadily grown until the time has come when something must be done in the way of a remedy. The school was founded under Secretary Bancroft, and it is a monument to his memory such as few men are privileged to leave; but he was obliged to begin it practically on his own responsibility, and with hardly even the grudging assent of the authorities. Since then it has grown little by little in an almost haphazard way, and the buildings of which it is composed were not constructed in accordance with any general plan, so that the only note of harmony among them is their condition of utter decay and of unsuitableness for the purpose for which they are used. If they were merely unsuitable; if it were merely desirable that they be replaced by others built in accordance with a general scheme to turn the Annapolis Academy into what it should be as a training school for the nation's naval officers, it might be advisable to wait before seeking to reconstruct them. But it is not possible to wait, because the buildings are not merely unsuitable, but are for the most part in the last stages of decay.

As you know, sir, we have just been obliged to tear down one of the main buildings, because its condition was so dangerous as not only to forbid anyone going inside of it, but to jeopardize the buildings around

about. At the present moment, in consequence, the students are reciting in attics and spare rooms in various out-of-the-way places, while the paymaster has formally notified the Department that he can not be responsible for the stores when there is no place in which they can properly be kept; and we have asked Congress for an emergency sum of $5,000 with which to build a temporary shed until some permanent building can be provided. The building which had thus been torn down is merely the worst among several, of which the rest are nearly as bad. You have yourself seen some of these condemned buildings, and have noticed how the walls are kept in position only by being propped up from without. This is especially unfortunate in the case of the armory and boathouse, the two buildings in which the cadets are to receive the training upon the essential points of the profession for which they are to be fitted. As you are also aware, sir, there is no proper facility in the way of a harbor for the torpedo boats and training ship on which the cadets should get their first taste of the real sea work which is to be the business of their lives.

I deem it, therefore, of the utmost importance that Congress should be asked not only to relieve the immediate and pressing necessities of the Academy, but to relieve them in such a manner as to prepare the way for a general scheme for rebuilding the Academy on a coherent and well thought-out plan, such as that which I herewith submit. It would take a number of years to rebuild the Academy on this plan, and, although, of course, it would be to the advantage of the service, and in the end also economically advantageous, to rebuild it in three or four years, yet, if necessary, double or treble this time could be taken and the expenses thus distributed over so long a term that after the first year they would be but slight. When this plan has at last been carried out, the Naval Academy will be a coherent whole of which each part will be perfect, both in itself and in relation to the other parts. We shall then have a Naval Academy not extravagantly built, made primarily for use and not show, and yet one in which the nation can take the heartiest pride because it will in every way be a fit training school for such a naval service as ours.

Therefore, in rebuilding it will be necessary to make each change with a double end in view. First, each feature must be complete in itself, even if no other part of the general scheme is put into effect; and, second, each part must be so made that in the end it can work into the general scheme should this same general scheme be ultimately carried out.

Accordingly the immediate action recommended is to do certain work which it is absolutely indispensable should now be done, but to do it in a way that will make it when done fit into the accompanying general plan for the buildings as a whole. If in the long run Congress rebuilds the Academy in accordance with this general plan, then the work which I propose to have done at once can be regarded simply as the essential first step toward this general plan. If the general plan is never adopted, then this first work is simply work which it was imperatively necessary to do anyhow.

The immediate and pressing needs are: An armory, a boathouse, and a power house, together with the grading thus made necessary, the rebuilding of the officers' quarters rendered necessary by putting the armory where it should be, and the dredging and building of a sea wall so as to provide for the basin in which the training ship and torpedo boats should lie.

Therefore, what we need at once is an appropriation as follows: First, $150,000 to construct the line of sea wall on the river side, and for dredging and filling in as necessary. The use of the material dredged to fill in will provide the necessary extension of the parade ground, etc. The basin which will be made by this dredging is needed for the reasons set forth above. We hope, eventually, to have, not only a small training ship, but also torpedo boats, launches, and the like; but we should first have a suitable basin in which they can lie.

A new armory and boathouse are indispensable. Three hundred thousand dollars apiece should be appropriated for these. The present armory and boathouse are condemned, and may tumble down at any time. They could be replaced for a slightly less sum than $300,000 apiece, but in that case the buildings would be mere makeshifts, whereas for this sum they can be made to last permanently. Each should be built as it ought to be in case the general scheme is carried out, so that each will be part of this general scheme; but even should it not be carried out for many years the armory and boathouse are indispensable and will have to be built anyhow, and they can best be put up in accordance with the accompanying plan. It is in these two buildings that the cadets are drilled in the special and distinctive duties of their professions, and it is in the highest degree unwise not to provide at once for their erection in suitable form.

In order to place the armory where it should be placed, four blocks of houses for officers' quarters will have to be removed from where they are and placed where they should ultimately be whenever the new scheme is carried out. This would cost some $60,000.

Furthermore, we need a first-class power house. The present buildings are makeshifts and will have to be replaced. When replaced, the work should be done thoroughly and in permanent form. This will cost $100,000.

Finally, $90,000 will be needed for the grading, the electric-light wiring, removing old buildings, etc., as rendered necessary in carrying out the above work.

If this programme is adopted, it will permit of continuing the orderly conduct of the academic routine. The buildings which can best be spared will be removed first, and those which are to occupy the vacant sites will be erected, precedence being given to the erection of such indispensable structures as the armory, boathouse, and power house. In these three cases the present buildings are unsafe and have been condemned. We can not continue to use them very much longer. They must be replaced. When replaced, the work should certainly be done in permanent form and in such shape as ultimately to fit in with the general scheme presented by Captain Cooper.

While it is not necessary now definitely to adopt this general scheme, I yet very urgently recommend that it be so adopted by the Department, and that every effort be made to induce Congress in its wisdom to consider it as the scheme which should ultimately be embodied in the construction of the new Naval Academy. I have been carefully over it with Captain Cooper and the architect, Mr. Flagg. I heartily commend it for its simplicity, dignity, and adaptation to the practical needs of the institution.

Very respectfully, THEODORE ROOSEVELT,
Assistant Secretary.

The SECRETARY OF THE NAVY.

(2.)

UNITED STATES NAVAL ACADEMY,
Annapolis, Md., December 16, 1897.

SIR: It becomes my duty to invite the attention of the Navy Department to the present serious condition of the buildings at the Naval Academy.

In various ways during late years the subject has been referred to in official reports of Boards of Visitors or of the superintendent, and never more emphatically than in the report of the commission appointed by the Secretary of the Navy in conformity with a resolution adopted by the Board of Visitors in 1895.

The commission was organized under an order dated July 5, 1895, and made its report to the Department on January 16, 1896. The report gives the condition of the buildings in detail, as shown at that time. Since that report was made the following important buildings have been surveyed as unsafe:

First. The armory, which was abandoned until supported by the erection of heavy timber props along the western wall.

Second. The boathouse, which was declared unsafe for many of its original purposes and as unworthy of repair.

Third. The main recitation hall, which is now being demolished as a menace to life.

In continuation, it would be possible for me to detail other weaknesses and threatening conditions which are apparent to the most superficial observer. It can be positively stated that the building in which the cadets are quartered will cause constant anxiety from this time to the responsible authority at the Naval Academy.

Referring to the inclosed plan marked A, the following statement will exhibit concisely the present conditions:

Nos. 53, 54, 1, 2, 3, 4, officers' quarters: New buildings recently erected on the recently acquired property; in excellent condition.

No. 6, the bakery: In fair condition but of little value. Is detached and should be combined with other domestic features of the establishment.

No. 7, the laundry: In fair condition; capacity too limited and should be combined with other domestic features of the establishment.

No. 8, the armory: In dangerous condition. Even at its best was entirely unworthy of the institution—inadequate for the purpose; a cheap makeshift.

No. 9, the pistol gallery: An example of the method of makeshifts in absence of suitable appropriation for proper building. Better than nothing, but of no value other than to serve as a protection to the marksman from the weather and to the passer by from being injured.

No. 10, natatorium: Well suited for the purpose, but should be combined with the gymnasium, from which it is separated by nearly one-half mile.

No. 11, the sick quarters: A good building, but entirely too small.

No. 12, cadets' quarters: This building is a disgrace to the nation and would not be tolerated in any self-respecting municipality—cheap, unsanitary, and in a state of decrepitude. Only a part of the cadets can be accommodated therein and then herded together, two, and at times three, in a small room; bathrooms and kitchen being in the basement; the dining room, recitation rooms, and executive officers on the first floor, leave little for the imagination to conceive of greater incon-

gruity. As stated above, the life of this structure can not long be perpetuated; it is a source of constant repair and anxiety.

Nos. 13 and 14, officers' quarters: Within these two buildings live 16 families, a necessary but unsuitable arrangement. As originally designed they accommodated four families, each family having a house; but later converted into flats but with none of the conveniences of modern apartment houses. The buildings will endure several years.

Nos. 15, 16, 17, 18, 19, 20, officers' quarters, and are worthy of retention.

No. 21, the chapel: Although inartistic and discreditable in appearance, the building will suffice for a number of years.

No. 22, the library and superintendent's office: A substantial structure of ancient construction and modern additions. That portion assigned to library purposes is well adapted to present requirements, but in the near future will be too small. The portion occupied by the superintendent for office work, records of the Naval Academy and academic board, is entirely unsuitable and inadequate. The building is susceptible of conversion to a dwelling house.

Nos. 23, 24, 25, 26, 27, officers' quarters: Cheaply constructed buildings in passable condition.

No. 28, marine barracks: Fairly good condition.

No. 29, a small frame building successively used as hospital, store, and dwelling house: Of no value.

No. 30, a small brick building built in 1846, sometimes used as an office and again as a dwelling house: Of little value.

No. 31, officers' quarters built in 1834: Not worth repairs.

No. 32, the superintendent's quarters: A modern and substantial structure.

No. 33, the boathouse: Condemned.

No. 34, gas works: Buildings unsafe, walls cracking, appearance generally disgraceful, but not susceptible of improvement.

No. 35, an old building now used as officers' reading room, being unfit for academic purposes.

No. 36, the gymnasium: A modern superstructure upon the walls of old Fort Severn, forming a substantial and modern establishment, which should be preserved.

Nos. 37, 38, 39, 41, a collection of buildings dating from 1849, originally intended to be quarters for midshipmen, now used as quarters for officers and cadets, for storerooms and offices: Having been poorly built, and on the verge of made ground, these buildings have been gradually approaching collapse, and should be removed as soon as possible.

No. 40, a small structure originally intended to be a photographer's studio, now used by the students pursuing a post-graduate course of study: Will answer the purpose until a suitable building is erected for this and other academic work.

No. 42, being demolished as dangerous: Is on the same line as the buildings Nos. 37 to 41.

No. 43, now used as steamship building, commissary storehouse, and other purposes: In the same category as Nos. 37 to 42.

No. 44, originally a chapel, but now used as lyceum and offices: In fair condition, but unsuitable.

No. 45, used as an office and for purposes of instruction in navigation: A small detached building, which is absolutely unfit for perpetuation.

No. 46, steam engineering building: In fairly good condition, but not adequate to future purposes.

No. 47, boiler house: Good condition.

No. 48, wooden shed: Tumbling down, and would long since have been removed had there been other places for storage purposes.

No. 49, carpenter shop: Unsightly and unsuitable.

No. 50, the stable.

No. 51, physical laboratory: An old building, remodeled and added to; will soon require extensive repairs.

No. 52, chemical laboratory: A small and cheap structure of no value.

The board, or commission, of 1895 made a very careful study of the requirements of the Naval Academy, and received the expert assistance and advice of a competent architect before determining upon a plan which, in its opinion, will be dignified as a Government institution and suitable to the location and climate.

A close study of the plan will show that everything has been subordinated to the general idea that the Naval Academy exists for the training of the youth of the country in matters naval, military, and academic; that, also, they shall be brought up to the high dignity of officers of the United States in the presence of the highest standards. During the plastic days of youth, when character is influenced by surroundings as well as by examples, there should be a wide departure from the shiftless, the unseemly, and unworthy objects to be found in badly equipped buildings, improvised arrangements for instruction, and inexcusable habits of living.

The plan of reconstruction adopted by the board, and which is strongly recommended by me after three years' study of the problem, is shown in outline on the inclosed plan marked B.

It will be seen that outside of the quarters for officers the plan contemplates three distinct groups of buildings, which may properly be classified as—

First, the military group.

Second, the academic group.

Third, the industrial group.

In the first, or military group, are comprised the cadets' quarters, the armory, and the boathouse.

In the second, or academic group, are comprised the suites of recitation halls, the library, the physical and chemical laboratories, the superintendent's office, and academic board rooms.

In the third, or industrial group, are comprised the steam engineering building, the power house, and coal shed.

To itemize for convenient reference, the various buildings are numbered and herein referred to by similar numbers.

No. 1. Cadets' quarters.—The cadets' quarters separate the parade ground from the campus. It is connected with the armory at the south and the boathouse at the north by covered ways. The building incloses three courts. It has a central dominating mass which projects to the east. The eastern position is placed upon a terrace to overcome the difference in grade between the campus and the parade ground. The central court is open to the west except for a screen of masonry which separates it from the campus. The dimensions of the court are 250 feet from north to south and 200 feet from east to west. The two other courts are entirely inclosed, and each measures 100 feet square. The extreme length of the building is 600 feet, and the extreme breadth is 400 feet. The area covered is 96,000 square feet. It has accommodations for 500 cadets, to allow for the natural increase due to successive reapportionments of the country.

There are two principal entrances, one from the great court and one from the terrace which overlooks the parade ground. Both of these are

on the main axis of the building. The ground floor of the central block is entirely devoted to vestibules and stairways. To the right and left of the western vestibule, or main entrance hall, corridors extend in a northerly and southerly direction for the entire length of the building and connect with two covered ways which lead, respectively, to the boathouse and armory. These corridors occupy the lower part of, or may be said to pass under, four narrow courts which serve to light the corridors in the upper stories. They, the corridors mentioned, are lighted by ceiling lights. Near the vestibule are the offices of the commandant of cadets, his clerk and assistant; rooms for the officer in charge and for the cadet officer of the day, surgeon's room, bedroom for the officer in charge, and several reception rooms.

The western vestibule or hall is connected with that of the east by the great staircase hall, to the right and left of which are the main stairs. The eastern vestibule or hall is quite extensive, measuring 60 feet by 140 feet, and is divided into three compartments by piers and columns. This apartment is intended to serve as a guardroom and memorial hall for statuary, arms, pictures, and other similar objects. The rest of the floor is devoted to cadets' lodging. Each suite is intended for two cadets and consists of a sitting room about 15 feet square and two bedrooms of 8 by 15. All the rooms have windows to the outer air, as have also the corridors and stairways.

The cadets' dining room occupies the second floor of that part of the central block which projects to the east of the main portion of the building; it is located directly over the guardroom, to which it corresponds in size. On the floor above are the kitchen, bakery, servants' dining room, etc. All the floors above the ground floor in the main portion of the building are occupied by rooms for the cadets, which are planned in the same way as those on the ground floor, which have been already described. Toilet rooms and staircases are placed at intervals so that they may be conveniently reached by the cadets; all portions are properly lighted and ventilated. Provision is made for the ventilation of all corridors, bedrooms, and sitting rooms of the cadets, and other portions of the building, by artificial means.

In the basement are located the cadets' stores, storekeeper's office, three rooms for clerks, steward's room, tailor shop, tailor's storeroom, commissary storeroom, storeroom for coal, provisions, etc. The space under the terrace is also utilized for storerooms and for the laundry.

No. 2. The armory.—The armory is located to the south of the cadets' quarters, from which it is reached, as already stated, by a covered way, forming a continuation of the main longitudinal corridor of that building. The armory measures about 100 by 490 feet; it covers a superficial area of 53,900 square feet. The building has one story and a gallery. As it does not stand on a terrace the covered way, which is on a level with the ground floor of the cadets' quarters, enters the building at a level with the gallery. The ground floor is on a level with the parade ground and is entirely given up to the armory, and forms one large room of 100 by 430 feet.

The main entrance is at the eastern end, on a level with the parade ground, and there is also a gun entrance on the north side. The staircases are in the turret-like structures which flank the corners of the building.

The gallery or second floor is built around the outer edges of the building, and is suspended from the trusses which support the roof, so that the floor of the armory may not be encumbered by vertical supports. There is in the gallery a superficial area of 24,000 square feet,

the greater part of which is devoted to the museum. There are also on this floor six recitation rooms for ten cadets each, offices, workshop, and model room.

The external appearance of the building is massive and bold, in keeping with its purpose. The main entrance is preceded by a deeply recessed arch, under which are four free standing columns, supporting an entablature at the level of the impost of the arch. The building is abundantly lighted by great arched openings along the sides, and by skylights in the roof. The external walls are boldly rusticated.

No. 3. The boathouse.—The boathouse occupies a corresponding position to the armory to the north of the cadets' quarters, to which it is connected by a covered way like that leading to the latter. The center. line of this coincides with the longitudinal axis of the basin. It has two main entrances, one to the west upon the basin, and one to the east upon the parade ground. The building is of the same size, style, and general character, externally, as the armory, and would cost about the same amount to erect. It is traversed longitudinally by a marine railway connected with the ways at the eastern end of the basin. There is a space on the ground floor for the accommodation of twelve pulling cutters, twelve sailing launches, twelve steam launches, four small torpedo boats, and two large torpedo boats. There is also on the ground floor a machine shop, blacksmith shop, carpenter shop, foreman's office, paint shop, etc. On the second floor is the sail loft, model room, workshop, seamanship department, with six recitation rooms for ten cadets each, offices, model room, storerooms, etc. Attached to the western end of the boathouse is an overhang for cutters, small boats, etc.

No. 4. The academic building.—Academic building and library, the extreme length of which from north to south is 440 feet, and the extreme depth from east to west is 370 feet.

The main axis of the building coincides with that of the cadets' quarters. Like the latter, the main entrance is preceded by a great court—this is separated from the campus by a colonnade having in the center a small domical pavilion or gatehouse. There are also secondary courts. A large square clock tower at the back of the courtyard is the dominating feature. The principal entrance is in the base of the tower, the lower floor of which forms the vestibule. A broad corridor traverses the building from north to south, giving access to the wings at the sides of the court and to the staircases at the intersection of the wings with the main portion. The main staircase is to the west of the vestibule, beyond which is the library, occupying the western part of the central block. To the left of the vestibule, on the ground floor, are the offices of the superintendent, consisting of the superintendent's private office, offices for clerks, for the assistant to the superintendent, secretary, etc. To the right of the vestibule are the offices of the officer in charge of buildings and grounds, clerk of same, reception rooms, etc.

Adjoining the Superintendent's office is the academic board room, and a similar room on the opposite side of the building, connected with the library, is for the archives. Two examination rooms occupy the upper part of the wings which project to the north and south of the central mass.

The wings which are at the right and left of the main court are occupied by the class room, divided into six departments, each having six recitation rooms for ten cadets each, two offices, and the necessary toilet rooms.

On the ground floor of the north wing is the department of mathe-

matics, on the second floor the department of mechanics, and on the third floor the department of English.

On the ground floor of the south wing is the department of languages, on the second floor the department of navigation, and on the third floor drawing, which section is not subdivided into class rooms.

As already mentioned, the library is in the western part of the central block. It consists of a central reading room, with alcoves at the sides. The stack rooms, also arranged as alcoves, are at the north and south and occupy low wings forming the western sides of the secondary courts. As the ground under this building falls away rapidly to the north, a large part of the building stands upon terraces, the space under which is utilized as a storehouse, rendering unnecessary the erection of a separate building for this purpose.

No. 5. The physics and chemistry building.—The physics and chemistry building stands at the south of the academic building. It measures 220 by 60 feet and is three stories high. It contains a lecture room, physical laboratory, electrical laboratory, six recitation rooms, offices, dark room, etc.

No. 6. The steam-engineering building.—The steam engineering building is 200 feet long, 65 feet wide, and two stories high. The machine shop occupies most of the lower floor, but there are also on this floor a blacksmith shop, boiler room, boiler shop, and one office each for the chief engineer, assistant engineer, and foreman. On the second floor are the drawing and model rooms, pattern shop, storerooms, and six recitation rooms.

No. 7. The power house.—The power house is of the same size and general character as the steam-engineering building, except that it is only one story high. In it are the dynamo room, pump room, carpenter shop, blacksmith shop, or repair shop, and cabinet and general repair shop, each with the necessary offices for the foremen, etc.

No. 8. The coal shed.—The coal shed and boiler house stands between the two buildings last described. It measures 200 by 90 feet, and is in one story.

No. 9. The sick quarters.—The sick quarters is a two-story building, and measures 30 by 60 feet. It has four wards for four beds each, with the necessary dependencies, an operating room, physical examining room, etc.

No. 10. The basin.—The basin, partially surrounded by quays and docks.

This is in the form of an oblong rectangle, having a broad opening in the northern side. It is proposed to dredge the basin out so as to admit vessels, making it a sort of dock or port. Two low towers or beacons mark the entrance. At the eastern end is the boathouse, with its overhang and marine railway; to the west are the boiler house and coal shed, the machinery building, and the steam-engineering building, forming a group of three semidetached buildings. Within the basin it is proposed to moor the training vessels, having them ever ready for the practical exercises, safe from contact with floating ice in the winter and from collision with passing vessels.

The quays form a protection in time of rough water, rendering it possible to handle the boats safely upon the conclusion of drills, in transferring them to the boathouse. As will be seen in describing the boathouse, it is contemplated to provide for the stowage of several torpedo boats, thus constituting this station one of the points of readiness for attack, in addition to the necessity of training cadets in the use of such vessels.

No. 11. The amphitheater.—Taking advantage of the physical features of this part of the ground, the terrace bank is converted into seats from which can be witnessed the ceremonies connected with graduation day and other special events. The band stand is located at the central point, thus forming an attractive feature without expense.

No. 12. The superintendent's quarters.—As it will be necessary to remove the present house, it is recommended to convert the building shown on plan A into a dwelling for the superintendent. He will thereby be situated in a central and commanding position.

No. 13. The gun battery.—At the junction of the sea walls on harbor and river sides will be located the gun battery for the high-powered guns, where the drills can be effective. At present these guns are located in a wooden shed, which scarcely affords protection to the guns themselves and presents no visible feature of the Naval Academy.

Should Congress in its wisdom direct the rehabilitation of the Naval Academy, I have to recommend that the following programme be adopted. It must of necessity be so arranged that during the period of reconstruction the orderly conduct of the academic routine may proceed. Such buildings as can best be spared are to be removed and the construction of those to occupy the vacated sites be erected.

A glance at the plan B will show that to arrive at a symmetrical arrangement it will be necessary to straighten the lines on the water fronts of both harbor and river. The earth necessary to fill in such parts as are to be redeemed will be furnished by the dredging of the basin and on the river front where the water is now too shoal.

The buildings most necessary at the present time are:

No. 2, the armory, plan B.

No. 3, the boat house, plan B.

No. 7, the power house, plan B.

To prepare for the erection of the armory it will be necessary to remove (plan A) Nos. 23, 24, 25, 26, 27, 28.

No. 28 (the marine barracks) can be provided for by quartering the marines on board the *Santee* temporarily.

It will be necessary to build four blocks (double houses) on the residence part of the grounds, near those recently built.

To prepare for the erection of the boat house it will be necessary to remove the present condemned boat house, the group of gas houses, and to build the new power house.

An appropriation should therefore be made to accomplish the following:

First. Construct the line of sea wall on the river side; dredge and fill in as necessary.

Second. Build four blocks of houses for officers' quarters.

Third. The armory.

Fourth. The boat house.

Fifth. The power house.

Sixth. Grading; electric-light wiring; removing old buildings and preparing plans of 3, 4, and 5.

It is estimated that the amount necessary for the above purposes, and which should be available, will be:

No. 1	$150,000
No. 2	60,000
No. 3	300,000
No. 4	300,000
No. 5	100,000
No. 6	90,000
Total	1,000,000

As this work approaches completion the next stage of the rebuilding programme will suggest itself, but it will doubtless be the cadets' quarters.

In conclusion, I desire to record my opinion that it will be neither wise nor feasible to repair the present buildings, and it is trusted that Congress will adopt this proposed scheme, or some other possessing equal merits.

Very respectfully, P. H. COOPER,
Captain, United States Navy, Superintendent.

The ASSISTANT SECRETARY OF THE NAVY,
Navy Department, Washington, D. C.

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55TH CONGRESS, 2d Session. } SENATE. { DOCUMENT No. 56.

AGREEMENT WITH THE FIVE CIVILIZED TRIBES.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

COPY OF AGREEMENT BETWEEN THE UNITED STATES COMMISSIONERS TO NEGOTIATE WITH THE FIVE CIVILIZED TRIBES AND THE COMMISSIONERS ON THE PART OF THE SEMINOLE NATION.

JANUARY 13, 1898.—Referred to the Select Committee on the Five Civilized Tribes of Indians and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, January 12, 1898.

SIR: In compliance with the provisions contained in the sixteenth section of the Indian appropriation act approved March 3, 1893 (27 Statutes, 645), I have the honor to submit herewith to the Congress, for its consideration and ratification, an agreement between the Commissioners of the United States to negotiate with the Five Civilized Tribes and the commissioners on the part of the Seminole Indians, concluded on the 16th day of December, 1897.

Very respectfully,

C. N. BLISS, *Secretary.*

The PRESIDENT OF THE SENATE.

AGREEMENT BETWEEN THE UNITED STATES COMMISSIONERS TO NEGOTIATE WITH THE FIVE CIVILIZED TRIBES, AND THE COMMISSIONERS ON THE PART OF THE SEMINOLE NATION.

This agreement by and between the Government of the United States of the first part, entered into in its behalf by the Commission to the Five Civilized Tribes, Henry L. Dawes, Tams Bixby, Frank C. Armstrong, Archibald S. McKennon, and Thomas B. Needles, duly appointed and authorized thereunto, and the Government of the Seminole Nation in Indian Territory, of the second part, entered into on behalf of said Government by its Commission, duly appointed and authorized thereunto, viz, John F. Brown, Okchan Harjo, William Cully, K. N. Kinkehee, Thomas West, and Thomas Factor;

Witnesseth, That in consideration of the mutual undertakings herein contained, it is agreed as follows:

All lands belonging to the Seminole tribe of Indians shall be divided

into three classes, designated as first, second, and third class; the first class to be appraised at five dollars, the second class at two dollars and fifty cents, and the third class at one dollar and twenty-five cents per acre, and the same shall be divided among the members of the tribe so that each shall have an equal share thereof in value, so far as may be, the location and fertility of the soil considered; giving to each the right to select his allotment so as to include any improvements thereon, owned by him at the time; and each allottee shall have the sole right of occupancy of the land so allotted to him, during the existence of the present tribal government, and until the members of said tribe shall have become citizens of the United States. Such allotments shall be made under the direction and supervision of the Commission to the Five Civilized Tribes in connection with a representative appointed by the tribal government; and the chairman of said Commission shall execute and deliver to each allottee a certificate describing therein the land allotted to him.

All contracts for sale, disposition, or encumbrance of any part of any allotment made prior to date of patent shall be void.

Any allottee may lease his allotment for any period not exceeding six years, the contract therefor to be executed in triplicate upon printed blanks provided by the tribal government, and before the same shall become effective it shall be approved by the principal chief and a copy filed in the office of the clerk of the United States court at Wewoka.

No lease of any coal, mineral, coal oil, or natural gas within said Nation shall be valid unless made with the tribal government, by and with the consent of the allottee and approved by the Secretary of the Interior.

Should there be discovered on any allotment any coal, mineral, coal oil, or natural gas, and the same should be operated so as to produce royalty, one-half of such royalty shall be paid to such allottee and the remaining half into the tribal treasury until extinguishment of tribal government, and the latter shall be used for the purpose of equalizing the value of allotments; and if the same be insufficient therefor, any other funds belonging to the tribe, upon extinguishment of tribal government, may be used for such purpose, so that each allotment may be made equal in value as aforesaid.

The townsite of Wewoka shall be controlled and disposed of according to the provisions of an act of the General Council of the Seminole Nation, approved April 23d, 1897, relative thereto; and on extinguishment of the tribal government, deeds of conveyance shall issue to owners of lots as herein provided for allottees; and all lots remaining unsold at that time may be sold in such manner as may be prescribed by the Secretary of the Interior.

Five hundred thousand dollars ($500,000) of the funds belonging to the Seminoles, now held by the United States, shall be set apart as a permanent school fund for the education of children of the members of said tribe, and shall be held by the United States at five per cent interest, or invested so as to produce such amount of interest, which shall be, after extinguishment of tribal government, applied by the Secretary of the Interior to the support of Mekasuky and Emahaka Academies and the district schools of the Seminole people; and there shall be selected and excepted from allotment three hundred and twenty acres of land for each of said academies and eighty acres each for eight district schools in the Seminole country.

There shall also be excepted from allotment one-half acre for the use and occupancy of each of twenty-four churches, including those already

existing and such others as may hereafter be established in the Seminole country, by and with consent of the General Council of the Nation; but should any part of same, at any time, cease to be used for church purposes, such part shall at once revert to the Seminole people and be added to the lands set apart for the use of said district schools.

One acre in each township shall be excepted from allotment and the same may be purchased by the United States upon which to establish schools for the education of children of non-citizens when deemed expedient.

When the tribal government shall cease to exist the principal chief last elected by said tribe shall execute, under his hand and the seal of the Nation, and deliver to each allottee a deed conveying to him all the right, title, and interest of the said Nation and the members thereof in and to the lands so allotted to him, and the Secretary of the Interior shall approve such deed, and the same shall thereupon operate as a relinquishment of the right, title, and interest of the United States in and to the land embraced in said conveyance, and as a guarantee by the United States of the title of said lands to the allottee; and the acceptance of such deed by the allottee shall be a relinquishment of his title to and interest in all other lands belonging to the tribe, except such as may have been excepted from allotment and held in common for other purposes. Each allottee shall designate one tract of forty acres, which shall, by the terms of the deed, be made inalienable and nontaxable as a homestead in perpetuity.

All moneys belonging to the Seminoles remaining after equalizing the value of allotments as herein provided and reserving said sum of five hundred thousand dollars for school fund shall be paid per capita to the members of said tribe in three equal installments, the first to be made as soon as convenient after allotment and extinguishment of tribal government, and the others at one and two years, respectively. Such payments shall be made by a person appointed by the Secretary of the Interior, who shall prescribe the amount of and approve the bond to be given by such person; and strict account shall be given to the Secretary of the Interior for such disbursements.

The loyal Seminole claim shall be submitted to the United States Senate, which shall make final determination of same, and, if sustained, shall provide for payment thereof within two years from date hereof.

There shall hereafter be held at the town of Wewoka, the present capital of the Seminole Nation, regular terms of the United States court as at other points in the judicial district of which the Seminole Nation is a part.

The United States agrees to maintain strict laws in the Seminole country against the introduction, sale, barter, or giving away of intoxicants of any kind or quality.

This agreement shall in no wise affect the provisions of existing treaties between the Seminole Nation and the United States, except in so far as it is inconsistent therewith.

The United States courts now existing, or that may hereafter be created, in Indian Territory shall have exclusive jurisdiction of all controversies growing out of the title, ownership, occupation, or use of real estate owned by the Seminoles, and to try all persons charged with homicide, embezzlement, bribery, and embracery hereafter committed in the Seminole country, without reference to race or citizenship of the persons charged with such crime; and any citizen or officer of said nation charged with any such crime, if convicted, shall be punished as if he were a citizen or officer of the United States, and the courts of said

nation shall retain all the jurisdiction which they now have, except as herein transferred to the courts of the United States.

When this agreement is ratified by the Seminole Nation and the United States the same shall serve to repeal all the provisions of the act of Congress approved June 7, 1897, in any manner affecting the proceedings of the general council of the Seminole Nation.

It being known that the Seminole Reservation is insufficient for allotments for the use of the Seminole people, upon which they, as citizens, holding in severalty, may reasonably and adequately maintain their families, the United States will make effort to purchase from the Creek Nation, at one dollar and twenty-five cents per acre, two hundred thousand acres of land, immediately adjoining the eastern boundary of the Seminole Reservation and lying between the North Fork and South Fork of the Canadian River, in trust for and to be conveyed by proper patent by the United States to the Seminole Indians, upon said sum of one dollar and twenty-five cents per acre being reimbursed to the United States by said Seminole Indians; the same to be allotted as herein provided for lands now owned by the Seminoles.

This agreement shall be binding on the United States when ratified by Congress and on the Seminole people when ratified by the general council of the Seminole Nation.

In witness whereof the said Commissioners have hereunto affixed their names at Muskogee, Indian Territory, this sixteenth day of December, A. D. 1897.

HENRY L. DAWES,
TAMS BIXBY,
FRANK C. ARMSTRONG,
ARCHIBALD S. MCKENNON,
THOMAS B. NEEDLES,
Commission to the Five Civilized Tribes.

ALLISON L. AYLESWORTH,
Secretary.

JOHN F. BROWN,
OKCHAN HARJO,
WILLIAM CULLY,
K. N. KINKEHEE,
THOMAS WEST,
THOMAS FACTOR,
Seminole Commission.

A. J. BROWN,
Secretary.

O

55TH CONGRESS, 2d Session. } SENATE. { DOCUMENT No. 57.

REPORT

OF THE

NATIONAL ACADEMY OF SCIENCES

FOR

THE YEAR 1897.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1898.

LETTER

FROM THE

PRESIDENT OF THE NATIONAL ACADEMY OF SCIENCES,

TRANSMITTING

A REPORT OF THE OPERATIONS OF THE NATIONAL ACADEMY OF SCIENCES DURING THE YEAR 1897.

JANUARY 13, 1898.—Ordered to be printed.

NATIONAL ACADEMY OF SCIENCES,
Washington, D. C., January 1, 1898.

SIR: In conformity with the requirements of the act of incorporation, approved March 3, 1863, I have the honor to submit herewith a report of the operations of the National Academy of Sciences for the past year.

Very respectfully,

WOLCOTT GIBBS,
President of the National Academy of Sciences.

The PRESIDENT OF THE SENATE.

ACT OF INCORPORATION.

AN ACT to incorporate the National Academy of Sciences.

Be it enacted by the Senate and House of Representatives of the United ıtes of America in Congress assembled, That Louis Agassiz, Massachu-ɔts; J. H. Alexander, Maryland; S. Alexander, New Jersey; A. D. ıche, at large; F. A. P. Barnard, at large; J. G. Barnard, United ates Army, Massachusetts; W. H. C. Bartlett, United States Military ɔademy, Missouri; U. A. Boyden, Massachusetts; Alexis Caswell, ıode Island; William Chauvenet, Missouri; J. H. C. Coffin, United ates Naval Academy, Maine; J. A. Dahlgren, United States Navy, ınnsylvania; J. D. Dana, Connecticut; Charles H. Davis, United ates Navy, Massachusetts; George Engelmann, Saint Louis, Mo.; F. Frazer, Pennsylvania; Wolcott Gibbs, New York; J. M. Gilliss, ıited States Navy, District of Columbia; A. A. Gould, Massachusetts; A. Gould, Massachusetts; Asa Gray, Massachusetts; A. Guyot, New rsey; James Hall, New York; Joseph Henry, at large; J. E. Hilgard, large, Illinois; Edward Hitchcock, Massachusetts; J. S. Hubbard, ıited States Naval Observatory, Connecticut; A. A. Humphreys, ıited States Army, Pennsylvania; J. L. Le Conte, United States Army, nnsylvania; J. Leidy, Pennsylvania; J. P. Lesley, Pennsylvania; F. Longstreth, Pennsylvania; D. H. Mahan, United States Military ɔademy, Virginia; J. S. Newberry, Ohio; H. A. Newton, Connecticut; ınjamin Pierce, Massachusetts; John Rodgers, United States Navy, diana; Fairman Rogers, Pennsylvania; R. E. Rogers, Pennsylvania; . B. Rogers, Massachusetts; L. M. Rutherfurd, New York; Joseph xton, at large; Benjamin Silliman, Connecticut; Benjamin Silliman, ıior, Connecticut; Theodore Strong, New Jersey; John Torrey, New ırk; J. G. Totten, United States Army, Connecticut; Joseph Win-ɔk, United States Nautical Almanac, Kentucky; Jeffries Wyman, ıssachusetts; J. D. Whitney, California; their associates and suc-ıssors duly chosen, are hereby incorporated, constituted, and declared be a body corporate, by the name of the National Academy of iences.

ɔEC. 2. *And be it further enacted,* That the National Academy of Sci-ces shall consist of not more than fifty ordinary members, and the d corporation hereby constituted shall have power to make its own

organization, including its constitution, by-laws, and rules and regulations; to fill all vacancies created by death, resignation, or otherwise; to provide for the election of foreign and domestic members, the division into classes, and all other matters needful or usual in such institution, and to report the same to Congress.

SEC. 3. *And be it further enacted*, That the National Academy of Sciences shall hold an annual meeting at such place in the United States as may be designated, and the Academy shall, whenever called upon by any Department of the Government, investigate, examine, experiment, and report upon any subject of science or art, the actual expense of such investigations, examinations, experiments, and reports to be paid from appropriations which may be made for the purpose, but the Academy shall receive no compensation whatever for any services to the Government of the United States.

Approved, March 3, 1863.

AN ACT to amend the act to incorporate the National Academy of Sciences.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act to incorporate the National Academy of Sciences, approved March third, eighteen hundred and sixty-three, be, and the same is hereby, so amended as to remove the limitation of the number of ordinary members of said Academy as provided in said act.

Approved, July 14, 1870.

DEPARTMENT OF STATE, *June 10, 1882.*

True copies.

SEVELLON A. BROWN,
Chief Clerk.

AN ACT to authorize the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Academy of Sciences, incorporated by the act of Congress approved March third, eighteen hundred and sixty-three, and its several supplements, be, and the same is hereby, authorized and empowered to receive bequests and donations, and hold the same in trust, to be applied by the said Academy in aid of scientific investigations, and according to the will of the donors.

Approved, June 20, 1884.

DEPARTMENT OF STATE, *June 24, 1884.*

A true copy.

SEVELLON A. BROWN,
Chief Clerk.

REPORT

OF

THE NATIONAL ACADEMY OF SCIENCES.

SESSIONS OF THE NATIONAL ACADEMY.

During the year 1897 the Academy held three sessions. The first was the regular annual session, held at Washington, April 20 to 22, inclusive. The second was a scientific session, held at Boston, November 16 to 18. The third, a special session, held at Boston, November 17, for the transaction of business.

ANNUAL MEETING.

[Held at Washington, April 20 to 22, 1897.]

The session was held in the National Museum, the president, Mr. Wolcott Gibbs, presiding.

The following-named members were present during the session: Abbe, Abbott, Agassiz, Barker, Billings, Bowditch, Brewer, Brooke, Brush, Chandler (S. C.), Comstock, Crafts, Emmons, Gibbs (W.), Gilbert, Gill, Hayne, Hall (A.), Hastings, Hill (S. W.), Hyatt, Langley, Marsh, Mendenhall, Michelson, Morse, Newcomb, Powell, Putnam, Remsen, Rowland, Walcott, Wright.

The home secretary made no formal report, but stated that the first memoir of Vol. VIII of the Memoirs of the Academy had been printed.

The president's report was as follows:

Since the publication of my annual report to Congress, which dates January 1, 1897, no new business from Congress or from the Departments has required the attention of the Academy. The forestry commission will, as I am informed, hand in its final report on or about the 1st of May next. This report will, of course, be entered upon the records of the Academy and a copy of it sent to the Secretary of the Interior. On the 1st of February last I transmitted to the Hon. David R. Francis, Secretary of the Interior, a preliminary report by the chairman of the forestry commission, Prof. C. S. Sargent.

The President of the United States* adopted the recommendations of the commission, and on the 22d of February issued thirteen procla-

*Mr. Cleveland.

mations establishing the reservations which the commission had recommended.

On April 5 the commission, at the request of the Secretary of the Interior, addressed him briefly, outlining the character of the recommendations.

A report from Prof. T. N. Gill, appointed to represent the Academy at the International Zoological Congress, will not be expected until after the meeting of that body in 1898.

No action has been taken by Congress upon the subject of vivisection, upon which the opinion of the Academy was expressed at the April meeting in 1896, and transmitted to Senator Gallinger.

REPORT OF THE TREASURER.

WASHINGTON, D. C., *April 20, 1897.*

The PRESIDENT OF THE NATIONAL ACADEMY OF SCIENCES:

SIR: I have the honor to transmit herewith my financial report as treasurer of the National Academy of Sciences for the year ending April 20, 1897:

Income.	General fund.	Bache fund.	Watson fund.	Draper fund.	J. Lawrence Smith fund.	Gibbs fund.
To balance brought forward:						
Cash	$306.08	$5,223.72	$1,266.52	$823.77	$1,004.73	.....
Invested	*a* 500.00	.....	*a* 500.00 *b* 593.71	.....	*c* 596.57	.....
Interest received during 1896-97	18.26	2,527.12	1,157.22	428.20	444.40	$133.66
Received from members' tax	375.00	.....	.....	.....	.....	.....
Total to be accounted for	1,199.34	7,750.84	3,517.45	1,251.97	2,045.70	133.66
Disbursed, 1896-97	375.65	3,475.39	983.35	10.01	13.30	133.66
Balance:						
Cash	323.69	3,275.45	1,440.39	1,241.96	1,435.83	.....
Invested	*a* 500.00	*d* 1,000.00	*a* 500.00 *b* 593.71	.....	*c* 596.57	.....
Total accounted for	1,199.34	7,750.84	3,517.45	1,251.97	2,045.70	133.66
Available (less obligations)	323.69	2,028.45	1,440.39	1,241.96	1,423.83	.....

a District of Columbia bonds, 3.65 per cent.
b Earnshaw loan, 6 per cent.
c Webb loan, 5 per cent.
d J. R. Dos Passos loan, 5 per cent.

The Dunlop loan has been extended to April 16, 1902.

The Stevens loan, $4,000, has been paid, and a new investment made by the purchase of the note of John R. Dos Passos for $5,000, the balance being a part of the income of the Bache fund.

There remains of the uninvested Watson fund $100, received last year by the calling in of one of the bonds of the Cosmos Club.

The treasurer's bond was renewed to June 30, 1897.

Very respectfully,

JOHN S. BILLINGS, *Treasurer.*

REPORT OF THE AUDITING COMMITTEE.

WASHINGTON, D. C., *April 20, 1897.*

ıe committee appointed to examine the report of the treasurer ectfully report that they have performed this duty, and they hereby fy that the statements of expenditures, receipts, and balances cor- ɔnd to the vouchers and accounts of the treasurer and are found ɔct.

CHARLES S. HASTINGS.
SETH C. CHANDLER.

2017 I STREET NW., WASHINGTON, *April 20, 1897.*

PRESIDENT OF THE NATIONAL ACADEMY OF SCIENCES.

R: The committee appointed by you to examine the securities of Academy in the hands of the treasurer did so on April 13, and we ı signed duplicate reports, one of which is in the books of the ɜurer and the other is submitted herewith. The securities, receipts, papers examined by us are in the lock box of the Academy at the ling of the Washington Safe Deposit Company.

Very respectfully,

CLEVELAND ABBE,
On behalf of the chairman, Mr. Schott, who is ill.

PAPERS READ AT THE ANNUAL MEETING.

I. The Influence of Environment upon the Biological Processes of the Various Members of the Colon Group of Bacilli. An Experimental Study. By Adelaide Ward Peckham, M. D. (Presented by J. S. Billings.)

II. On the Energy Involved in Recent Earthquakes. T. C. Mendenhall.

II. On a Ring Pendulum for Absolute Determinations of Gravity. T. C. Mendenhall and A. S. Kimball.

V. Biographical Memoir of G. Brown Goode. S. P. Langley.

V. Biographical Memoir of Thomas L. Casey. H. L. Abbot.

'I. Biographical Memoir of Charles E. Brown-Séquard. H. P. Bowditch.

II. Biographical Memoir of Hubert A. Newton. J. W. Gibbs.

II. Biographical Memoir of George H. Cook. G. K. Gilbert.

X. On the Variation of Latitude. S. C. Chandler.

X. The Position of the Tarsiids and Relationship to the Phylogeny of Man. Theodore Gill.

II. A New Harmonic Analyzer. A. A. Michelson and S. W. Stratton.

II. Variation of Latitude and Constant of Aberration from Observations at Columbia University. By J. K. Rees, H. Jacoby, and H. S. Davis. (Presented by S. C. Chandler.)

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* Read April 20. † Read April 21.

XIII. On Recent Borings in Coral Reefs. A. Agassiz.

XIV. Notes of Experiments upon the Röntgen Rays. Arthur W. Wright.

ELECTION OF NEW MEMBERS.

Four new members were elected at this session, William H. Dall, of Washington, D. C.; Francis A. Gooch, of New Haven; Charles S. Minot, of Boston, and Edward W. Morley, of Cleveland, Ohio.

During the year the Academy lost by death Mr. Francis A. Walker, Mr. Theodore Lyman, Mr. Alfred M. Mayer, and Mr. James Hammond Trumbull.

REPORTS FROM TRUST FUNDS FOR THE YEAR ENDING JANUARY 1, 1898.

Mr. Wolcott Gibbs reported that during the year 1897 the following appropriations have been made from the Bache fund:

March 18: To Prof. A. S. Packard, for an investigation of the transformations of North American bombycine moths	$100
March 29: To Prof. R. H. Chittenden, for an investigation of the poisonous fungi or toadstools of the country	500
April 29: To Prof. Albert A. Michelson, for the construction of a new harmonic analyzer and integrator	400
May 1: To Dr. John S. Billings, for an investigation of the colon bacillus group of organisms, being a continuation of the research upon the variability of bacteria, previously appropriated from the Bache fund	500
May 5: To Prof. A. A. Michelson, for an investigation of a two-decimeter standard of length, which is to be determined in terms of the wave lengths of red cadmium radiations by the interference method	
May 17: To Prof. Ira Remsen, for an investigation of the atomic weight of cadmium	400
May 22: To Alexander Agassiz for assistance in paying part of the expenses of borings to be made in the Fiji Islands to determine the thickness of coral reefs	1,200
December 7: To Prof. A. S. Packard for an investigation of the metamorphoses of the bombycine moths, in continuation of work already published in the last volume of Memoirs of the National Academy	100

SCIENTIFIC SESSION.

[Held in Boston, November 16 and 18, 1897.]

A scientific session for the reading of papers only having been called by the council, the Academy met at the Institute of Technology, Boston. The president, Mr. Wolcott Gibbs, presided.

The following named members were present during the session: Barker, Barus, Boss, Bowditch, Brewer, Brush, Chandler, C. F., Chandler, S. C., Chittenden, Comstock, Crafts, Emmons, Farlow, Gibbs, W., Goodale, Hague, Hall, A., Hastings, Hill, H. B., Hyatt, Jackson, Lesley, Marsh, Mendenhall, Michelson, Minot, Mitchell, H., Morse, Packard, Pickering, Powell, Putnam, Rogers, W. A., Sargent, Verrill, Woodward, Minot—36.

The following papers were read:

A lecture at the Jefferson Physical Laboratory, Cambridge, on Electrical Discharges, with exhibition of apparatus for obtaining high voltages, at 8 p. m., November 17, by John Trowbridge.

I. The Mass of the Earth's Atmosphere. R. S. Woodward.

II. On a Final Determination of the Relative Lengths of the Imperial Yard and of the Meter of the International Bureau. W. A. Rogers.

III. The Secular Softening of Cold Hard Steel. C. Barus.

IV. On the Elastic Resistance of Steel Knife Edges. T. C. Mendenhall.

V. Evolution and Migrations of Land Shells on Hawaiian Islands. A. Hyatt.

VI. The Influence of Borax and Boric Acid on Nutrition. R. H. Chittenden.

VII. Embryological Observations. C. S. Minot.

*VIII. On a New Method of obtaining Derivatives of Guanidine. Ira Remsen.

*IX. On the Boiling Points of Mixtures of Benzene and Alcohols. Ira Remsen.

*X. On Double Halides Containing Organic Bases. Ira Remsen.

XI. Results obtained with a new Harmonic Analyzer. A. A. Michelson and S. W. Stratton.

XII. On the Ancient Molluscan Fauna of New England. E. S. Morse.

XIII. On a new Application of the Wave Siren. C. R. Cross.

XIV. New Apparatus for the Comparison of Thermometers and for the Determination of the Heat of Combustion of Fuels. C. L. Norton.

XV. Recent Observations on European Dinosaurs. O. C. Marsh.

XVI. The Jurassic Formation of the Atlantic Coast—Supplement. O. C. Marsh.

XVII. Ovarian Variations and Cannibalistic Selection as Factors in the Evolution of Species. A. E. Verrill.

XVIII. Notable Instances of Free Variation nearly unchecked by Natural Selection. A. E. Verrill.

XIX. Some of the Important Factors in the Evolution of the Marine Animals of Coral-Reef Seas. A. E. Verrill.

XX. Comparison of the Theory of the Motion of the Pole with recent Observations. S. C. Chandler.

XXI. An Hypothesis to account for Movements in the Crust of the Earth. J. W. Powell.

XXII. A Contribution to the Study of the Action of the Venom of the Crotalus Adamanteus upon the Blood. S. Weir Mitchell, M. D., and Alonzo H. Stewart, M. D.

XXIII. Mr. S. F. Emmons gave an informal account of the recent Geological Convention at St. Petersburg.

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* Read by title only.

BUSINESS MEETING.

A business meeting of the Academy called by the council to consider the report of the president to Congress and such other business as might be presented was held November 17. The president, Mr. Wolcott Gibbs, presided.

The Academy was called to order by the president at 11 a. m. The following-named members were present: Barker, Barus, Boss, Bowditch, Brewer, Brush, Chandler (S. C.), Chittenden, Comstock, Crafts, Emmons, Farlow, Gibbs (W.), Hall (A.), Hastings, Hill (H. B.), Hyatt, Jackson, Marsh, Mendenhall, Minot, Michelson, Mitchell (H.), Morse, Packard, Rogers (W. A.), Verrill, Woodward.

After the call of the roll the president presented an outline of his report to Congress for the year 1897. Upon the recommendation of the council the Academy authorized the president to present his report to Congress, and to include in it the proceedings of the present meeting and also any Government business which may come before the Academy.

The president then announced that Miss Alice Bache Gould, daughter of the distinguished astronomer, Benjamin Apthorp Gould, had presented to the Academy the sum of $20,000 as a memorial of the life work of her father. The terms of the donation are stated in the two accompanying papers, one of which is the deed of trust, and the other a detailed expression of the preference of the donor as regards the administration of the trust. The president then read the two papers to the Academy.

DEED OF TRUST FROM ALICE BACHE GOULD, OF BOSTON, MASS., TO THE NATIONAL ACADEMY OF SCIENCES.

Know all men by these presents that I, Alice Bache Gould, of the city of Boston and county of Suffolk, State of Massachusetts, in consideration of the acceptance of the within trust by the National Academy of Sciences, and also in consideration of divers other good and valuable considerations, have given, granted, assigned, transferred, and set over, and by these presents do give, grant, assign, transfer, and set over unto the said National Academy of Sciences and its successors forever a certain fund or sum of $20,000, with the interest and income thereof, to have and to hold the same in trust nevertheless upon the special trusts and for the uses and purposes following, to wit:

First. In trust to invest and reinvest the said sum of $20,000, and to keep the same invested under the ordinary rules governing trustees in good and safe securities in such manner as shall be deemed best for the preservation and maintenance of such fund, which shall be known as the Benjamin Apthorp Gould fund, in memory of my father, the late Benjamin Apthorp Gould, of Cambridge, Mass.

Second. In trust to use the net interest and income thereof according to and under the direction of Lewis Boss, of Albany, N. Y., Seth C. Chandler, of Cambridge, Mass., and Asaph Hall, of Washington, D. C., whom I hereby constitute a board of directors for the application of the income of the said Benjamin Apthorp Gould fund, for the prosecution of researches in astronomy, by assisting such observers and investigators in such manner and in such sums as shall be agreed upon by the three above-mentioned persons or their successors or by a majority of the then board.

The board of directors, however, instead of expending all the income of the fund for the purposes aforesaid, may, from time to time, vote that such portions thereof as they may prescribe shall be added to the principal of said fund, and such portion shall then be so added by the trustees, and all such sums once so added shall remain part of the principal.

The board of directors shall make an annual report to the National Academy of Sciences, giving such information concerning the fund as shall be desired by the said Academy.

In case of any vacancy occurring in the board of directors by reason of the death, inability or refusal to act, or resignation of any of its members, then the surviving or remaining members or member for the time being shall have power to fill any vacancy so occurring in the board by the selection of another person or persons to fill the same, and so on from time to time as vacancies shall occur, provided, however, that at least two of the three directors shall always be members of the National Academy of Sciences. But if at any time the three directorships of the board shall simultaneously be vacant, then the National Academy of Sciences shall have power to fill these vacancies, and the new board of directors, in this as in all other cases, shall succeed to all the rights, duties, and privileges of the former board.

Provided, however, that if at any time the said Academy, from any cause whatever, shall cease to exist, or in case at any time any modification of its rights or powers shall be made by any action other than that of the said Academy itself, and such modification shall be followed within six months thereafter by a vote of the then board of directors approving the passing and transfer hereinafter mentioned, then, and in all of such cases, the said fund, together with all accumulations and unexpended income thereof, shall pass and be transferred to the said board of directors, who shall thereafter exercise the functions of both directors and trustees, and the said National Academy shall no longer thereafter act as trustee, and shall have no power of appointing directors, and none of the directors need be members of the said National Academy; and, furthermore, after such transfer and passing the said directors may at any time appoint any other persons or corporation as trustees, reserving to themselves their powers and duties

as directors, and the fund shall thereupon pass to such new trustees to be held upon the same trusts upon which it is hereby given to the National Academy of Sciences, the principal, with its accumulations, to be always held intact and the income applied as shall be best for the advancement of astronomy and for the honor of my father's memory.

And the said National Academy of Sciences doth hereby signify its acceptance of the said fund of $20,000, and doth engage to hold the same upon the trusts and conditions and for the uses and purposes herein mentioned and set forth.

In witness whereof I, the said Alice Bache Gould, have hereto set my hand and seal, and the said National Academy of Sciences has caused its corporate name and seal to be hereto affixed by Wolcott Gibbs, its president, thereunto duly authorized, this 17th day of November, in the year 1897.

ALICE BACHE GOULD. [SEAL.]
WOLCOTT GIBBS, [SEAL.]
President of the National Academy of Sciences.

W. W. VAUGHN, witness to Alice Bache Gould.
O. C. MARSH, witness to Wolcott Gibbs.
J. M. CRAFTS, witness to Wolcott Gibbs.
C. B. COMSTOCK, witness to Wolcott Gibbs.

We hereby accept our appointment to the board of directors above constituted.

LEWIS BOSS. [SEAL.]
SETH C. CHANDLER. [SEAL.]
ASAPH HALL. [SEAL.]

Witnesses for directors:
GEORGE F. BARKER.
EDW. S. MORSE.
HENRY B. HILL.

Whereupon it was duly—

Voted, That the National Academy of Sciences accepts the gift and trust set forth in said deed; and

Voted, That in token thereof the president, Wolcott Gibbs, be, and he hereby is, authorized and empowered to affix the name and seal of the National Academy of Sciences to the original trust deed aforesaid.

The Board of Directors of the Benjamin Apthorp Gould Fund.

GENTLEMEN: Believing that elaborate legal restrictions upon the uses of a perpetual fund may often, under changing circumstances, hinder the accomplishment of the general intention of the donor, I have in the deed creating the Benjamin Apthorp Gould fund defined its uses as briefly as possible, namely, as "for the prosecution of researches in astronomy."

Nevertheless, I wish hereby to record with you some personal preferences based upon what I believe would have been my father's opinions regarding the best use of such a fund, expressly stating, however, that this letter is not intended to restrict the action of the board of directors more than shall in their judgment be expedient and fitting.

First. My object in creating the fund is twofold—on the one hand to advance the science of astronomy, and on the other to honor my father's memory and to insure that his power to accomplish scientific work shall not end with his own life.

Second. Throughout my father's lifetime his patriotic feeling and scientific ambition were closely associated, and I wish, therefore, that a fund bearing his name should be used, primarily, for the benefit of investigators in his own country or of his own nationality. I recognize, however, that sometimes the best possible service to American science is the maintenance of close communion between the scientific men of Europe and of America, and that, therefore, even while acting in the spirit of the above restriction, it may occasionally be best to apply the money to the aid of a foreign investigator working abroad.

In this connection I must also refer to the strong interest felt by my father in the National Academy of Sciences, and to his belief in the importance of creating and maintaining a single national scientific body, whose preeminence should be unquestionable and of concentrating power in its hands. I wish to recommend that all three directors shall be members of the Academy, although I have made this legally necessary for only two of the three, and to record the desire to serve the Academy, so far as I am able, as one of my minor motives in creating the trust.

Third. I have copied many of the provisions of the Bache fund, and it is my hope that the boards of direction of the two funds may always act in friendly unison, as befits the long and intimate friendship of the men whose work they perpetuate. I trust that the new fund may relieve the Bache directors of many astronomical expenses and thus enable them to devote the same amounts of money to other branches of science. And I recommend the adoption of a custom now followed by the Bache board of directors, by which each director upon his own election names to his colleagues the person whom he believes most fit to succeed him.

Fourth. I wish that in all cases work in the astronomy of precision should be distinctly preferred to any work in astrophysics, both because of my father's personal preference and because of the present existence of generous endowments for astrophysics.

Fifth. The Astronomical Journal, long conducted by my father, has, in my belief, exerted a powerful influence in raising the standard of American astronomy, and in case at some future time its existence should be imperiled by lack of funds, I wish to recommend it to the attention of the then board of directors. As, however, I believe that

the granting to any scientific journal of definite rights over such a fund would be a dangerous precedent. I here repeat that the directors are not to consider themselves bound by these my present wishes further than they deem appropriate in connection with a journal associated with my father's name.

Sixth. The Benjamin Apthorp Gould fund is intended for the advancement and not for the diffusion of scientific knowledge. Moreover, I prefer that it should be used to defray the actual expenses of an investigation rather than for the personal support of the investigator during the time of his researches. I do not wish absolutely to exclude the latter important use, but such an employment of funds seems to me more appropriately the function of a university than of the National Academy, and I hope, therefore, that before granting money for such a purpose the directors will consider the existing university endowments and other sources of pecuniary aid for able workers in science.

Finally, I wish to express my entire faith in the wise judgment of the first board of directors and my sense of my own good fortune in being able to intrust a memorial of my father to the hands of men who have been both his scientific associates and his intimate personal friends.

ALICE BACHE GOULD.

BOSTON, *November 17, 1897.*

The deed of trust was then formally accepted by the Academy by a unanimous vote, and the three directors under the trust formally accepted their appointment.

The Academy then by a unanimous vote requested the president to prepare a letter of acknowledgment to be engrossed and sent to Miss Gould.

The Academy then adjourned to meet at Washington on the third Tuesday in April, 1898.

BUSINESS FROM CONGRESS AND FROM DEPARTMENTS OF THE GOVERNMENT.

Since the April session no new business from the Government has required the attention of the Academy, but the following documents relating to the Forestry Commission have appeared since the publication of the report of the president for the year 1896:

LETTER OF THE SECRETARY OF THE INTERIOR TO THE PRESIDENT, TRANSMITTING A REPORT BY THE NATIONAL FORESTRY COMMISSION TO THE NATIONAL ACADEMY OF SCIENCES, RECOMMENDING THE ESTABLISHMENT OF ADDITIONAL FOREST RESERVATIONS.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 6, 1897.

The PRESIDENT:

An appropriation of $25,000 was made in the sundry civil bill approved June 11, 1896 (29 Stat. L., 432), "to enable the Secretary of

the Interior to meet the expenses of an investigation and report by the National Academy of Sciences on the inauguration of a national forestry policy for the forested lands of the United States." Under authority of this act, and with the approval of the Secretary of the Interior, Prof. Wolcott Gibbs, president of the National Academy of Sciences, appointed a commission consisting of Prof. Charles S. Sargent, director of the Arnold Arboretum at Harvard University; Gen. Henry L. Abbott, United States Engineer Corps; Prof. William H. Brewer, of Yale University; Mr. Arnold Hague, of the United States Geological Survey; Mr. Alexander Agassiz, and Mr. Gifford Pinchot, the president of the Academy being ex officio a member of the commission. The state of Professor Gibbs' health would not permit him to accompany the commission on its tour of inspection, but the other members began their work July 2, 1896, and visited most or all of the forest reservations and other public forests of the United States, devoting three months of hard travel and careful study, without compensation, to the work assigned them. Upon their return they made an informal report to me, whereupon one or more competent clerks in the General Land Office, familiar with its records, were detailed to assist in the preparation of their report, which was completed and submitted about February 1.

I have the honor to forward said report herewith, and respectfully and earnestly approve the recommendations therein.

You will observe that the report recommends the establishment of thirteen additional forest reservations, containing an aggregate area of 21,379,840 acres. The location and limits of the proposed reservations are shown on the accompanying maps, and the report of the commission gives strong reasons for the establishment thereof. The amount of land in each reservation already entered under the general land laws is insignificant, and is set forth in accordance with the latest data in the General Land Office, and those portions of the areas described are exempted from the operation of the Executive order requested.

Some of the reservations proposed are within the limits of railroad grants hitherto made by Congress, and in such cases an Executive proclamation only reserves the alternate sections. This is notably the case in No. 6, the Priest River forest reserve, which the report of the commission characterizes as "the most valuable body of timber in the interior of the continent." If you decide to make this Executive order, I shall prepare and submit to Congress a bill authorizing the Secretary of the Interior to indemnify the beneficiaries in any of these railroad land grants included within the limits of forest reservations established by proclamation of the President by patenting to them an equal quantity of other portions of the public domain within specified limits.

The commission, which is composed of men of ability, possessed of scientific attainments which peculiarly fit them for this work, has performed this responsible duty with intelligent fidelity.

The authority for establishing these reservations may be found in

section 24 of an act approved March 3, 1891 (26 Stat. L., 1103), "An act to repeal the timber-culture laws, and for other purposes." It provides—

> That the President of the United States may from time to time set apart and reserve in any State or Territory having public land bearing forests, in any part of the public lands, wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof.

Under this law sixteen forest reservations have been established, aggregating an area of 17,500,000 acres. No forest reservation has been established by the President since September 28, 1893. The total area of the reservations hereby proposed exceeds that of all those heretofore established by about 4,000,000 acres, but as our public forests are being rapidly denuded and the loss resulting therefrom is incalculable I do not think this apparently large area should militate in any degree against the recommendation of the commission.

I respectfully suggest that the one hundred and sixty-fifth anniversary (February 22, 1897) of the birth of the Father of our Country could be no more appropriately commemorated than by the promulgation by yourself of proclamations establishing these grand forest reservations.

Very respectfully,

D. R. FRANCIS, *Secretary.*

FEBRUARY 1, 1897.

SIR: I have the honor to transmit for your consideration the inclosed letter from the chairman of the forestry commission of the National Academy of Sciences in relation to the establishment by proclamation of the President of the United States of a number of forest reservations.

Very respectfully, your obedient servant,

WOLCOTT GIBBS,
President of the National Academy of Sciences.

Hon. DAVID R. FRANCIS,
Secretary of the Interior.

ARNOLD ARBORETUM, HARVARD UNIVERSITY,
Jamaica Plain, Mass., February 1, 1897.

Prof. WOLCOTT GIBBS,
President of the National Academy of Sciences.

SIR: The commission appointed by you last year, at the request of the Secretary of the Interior, to examine the forests on the public domain and prepare a plan for their care now recommends the establishment of the following forest reserves:

1. THE BLACK HILLS RESERVE.

This proposed reserve embraces the central portion of the Black Hills of South Dakota, and has an established area of 967,680 acres.

The mountains in this proposed reserve are covered with forests of yellow pine, and in the valleys between them spruces and cottonwoods principally occupy the ground. These forests are entirely isolated, and afford the only timber which is produced in the territory between Minnesota on the east and the Big Horn Mountains of Wyoming and the Rocky Mountains on the west. The region immediately north of the proposed reserve contains a number of mines which depend on these forests for timber and fuel, and the settlers in the valleys of streams flowing from them have no other local timber and fuel supply. It appears important, therefore, that these forests should be protected and made permanently productive, and that they should continue to guard the sources of the numerous streams which head in the Black Hills and are essential for the irrigation of the desert region adjacent to their courses. The forests on this proposed reserve have suffered seriously from fire and the illegal cutting of timber, the mines in this whole region having been practically supplied with timber and fuel taken from the public domain. It is evident that without Government protection these forests, so far as their productive capacity is concerned, will disappear at the end of a few years, and that their destruction will entail serious injury and loss to the agricultural and mining population of western North and South Dakota. Within this proposed reserve there are thirteen quarter sections of land covered by existing entries, findings, selections, or other claims on record on the tract books in the General Land Office up to the 20th of January of the present year. These quarter sections are situated near the outside boundaries of the proposed reserve, and do not include the township sites of Custer and other small towns on the line of the northern extension of the Chicago, Burlington and Quincy Railroad, which crosses the proposed reserve from south to north.

2. THE BIG HORN RESERVE.

This proposed reserve has an estimated area of 1,198,080 acres and embraces both slopes of the Big Horn Mountains, a high, isolated, and exceedingly broken range in northern central Wyoming, containing a number of peaks varying from 9,000 to 11,000 feet in altitude, and the sources of many streams watering broad valleys east and west of these mountains. The forests which cover the Big Horn Mountains are composed of pines and spruces of small size. They contain sufficient material, nevertheless, to supply the local demands of agricultural settlers and of possible mining operations, but are not commercially valuable. These forests, however, protect the sources of many streams capable of irrigating a large territory which, without irrigation, can produce only scant and uncertain pasturage. The forests on the Big Horn Mountains have already suffered severely from fire. As the country becomes more settled fires may be expected to increase, and as forests reproduce themselves slowly in this dry climate their loss will reduce the irrigating capacity of these streams and the value of many valleys of central

Wyoming for agriculture. The proposed Big Horn Reserve contains only 15 quarter sections which are covered by existing entries, findings, selections, or other claims on record on the tract books in the General Land Office up to January 20 of the present year.

3. THE TETON FOREST RESERVE.

This proposed reserve embraces 829,440 acres, and is south of and adjacent to the Yellowstone Park Timber Land Reserve. The forests which cover it are similar in character to those in the Yellowstone National Park. They are capable of supplying all local demands that will probably ever be made on them, but have little commercial value. This proposed reserve contains the Teton Range of mountains and Jackson Lake and some of the grandest and most picturesque scenery of the Rocky Mountains. Within its borders are many streams flowing west, south, and north, and as a reservoir of moisture it is important. Incidentally it may be mentioned that the proposed reserve is a favorite home of the elk and other large game and that as a game reserve it would well supplement the Yellowstone National Park and the Yellowstone Park Timber Land Reserve. Within the proposed reserve only two quarter sections have been entered. A number of settlers, however, are living on unentered lands in the neighborhood of Jackson Lake.

4. THE FLATHEAD FOREST RESERVE.

This proposed reserve embraces both slopes of the main Rocky Mountain Range or continental divide in northern Montana, and extends from near the line of the Great Northern Railroad northward to the international boundary. It has an estimated area of 1,382,400 acres, and contains within its boundaries several high glacier-covered peaks, numerous lakes, and the sources of important streams. Nowhere in the United States is there more sublime mountain scenery. The eastern portion of this proposed reserve consists of lands recently purchased from the Blackfoot Indians under a treaty ratified by Congress on the 10th of June, 1896. The eastern slopes of the Rocky Mountains are here steep and rugged, and are mostly covered with dense forests of lodge pole pines and spruces which protect the sources of tributaries of the Missouri and the Saskatchawan, dependent entirely for their water on the snow which falls on these mountains, and protected by these forests. From these mountains issue the Cut Bank and Milk rivers, the latter, owing to its great length and the exceeding aridity of the country through which it flows, the most important stream of this region, although the Cut Bank supplies much of the water used by the Blackfoot Indians and by cattle men located east of the proposed reserve. North of Milk River flow, from the melting snow fields and glaciers at their sources, the St. Marys, Swift Current, and Belly rivers, the first passing into Canada after flowing 30 miles through the territory of the United States. This region, which is supposed to con-

tain many mineral deposits, will soon be invaded by large numbers of prospectors and miners, and its coniferous forests will invariably be injured, and perhaps destroyed, by the fires which have followed settlement from one end of the Rocky Mountains to the other. These forests are not commercially valuable in the sense that they contain timber which can be profitably shipped out of the region, but they can furnish sufficient forest products to carry on local mines and supply any agricultural population which may live on the streams in this part of Montana. If they are allowed to burn, mining operations will be crippled, and the settlers along these rivers will be deprived, during many months of every year, of water for themselves and their animals; for even now Milk River is only a sluggish stream through much of the year, and in periods of drought is reduced to a series of muddy water holes. In this proposed reserve west of the continental divide are the great north fork of Flat Head River and many of the smaller tributaries of that stream. The forests here, under the influence of a more humid climate, are much heavier than those on the eastern slopes of the Rocky Mountains, and are composed of a large number of varieties of trees; and here are stores of spruce, fir, tamarack, cedar, and cottonwood which in time can be made to play an important part in the development of Montana. These forests, too, in protecting the headwaters of turbulent mountain streams, reduce the damage of floods and render their fertile lower valleys habitable. In that part of this proposed reserve which is east of the continental divide there is now no settled land, but west of the continental divide two hundred and seventy-two quarter sections have been entered, as shown by the tract books in the General Land Office on the 20th of January of the present year; these entries are principally on the bottom lands of the north fork of the Flat Head River, where there are considerable bodies of arable land.

5. THE LEWIS AND CLARK FOREST RESERVE.

This proposed reserve embraces both slopes of the continental divide in Montana, and extends from near the line of the Great Northern Railroad southward nearly to the forty-seventh degree of north latitude. It has an estimated area of 2,926,080 acres, and includes an exceedingly rough mountainous territory, watered east of the divide by the north fork of the Sun River and west of the divide by the south fork of the Flat Head River, and by the Swan River, a large tributary of Flat Head Lake. The forests on the eastern slope of the Rocky Mountains are here similar in character to those in the eastern part of the proposed Flat Head Reserve; they protect the sources of innumerable streams tributary to the Missouri and essential to the existence of a considerable population residing on their banks and dependent on their waters for themselves and their stock. West of the continental divide the forests are heavier and are composed of yellow pines, lodge-pole pines, larches, Douglas spruces, balsam firs, and some white pines; these forests are

valuable for their influence on the flow of water in tributaries of the Columbia and for their timber, which can be easily floated into Flat Head Lake and then distributed by rail. In this proposed reserve there are no agricultural or grazing lands, and no evidence of valuable mineral deposits; and no land whatever has been legally settled on. The desirability of this forest reserve has been discussed for many years, and numerous petitions favoring it have been filed in the office of the Secretary of the Interior.

6. THE PRIEST RIVER FOREST RESERVE.

This proposed reserve occupies the basin of Priest Lake and Priest River, in the extreme northern part of Idaho and in northeastern Washington, and extends from a point a few miles north of the line of the Great Northern Railroad to the international boundary. It is bounded on the east by the summits of the ridges separating the waters flowing into Priest Lake from those tributary to the Kootenay River, and on the west by the summits of the ridges separating the waters of Priest Lake from those flowing into Clarks Fork of the Columbia. It has an estimated area of 552,960 acres in Idaho, and of 92,160 acres in Washington, or a total of 645,120 acres, and is covered with what is believed to be the most valuable body of timber in the interior of the continent. This is composed of the western white pine, which grows here to its largest size and in its greatest perfection; tamarack, cedar, spruce, all of large size. The forests on this proposed reserve have no significance as protectors of moisture, and the flow of rivers, for this region, is abundantly supplied with water, and its streams will always be able to meet any drain which may be made on them by the needs of irrigation. The establishment of this reserve is recommended, therefore, that this body of timber may be preserved until it is actually required by the demands of commerce, and that the Government may obtain for it its true market value. If scientific management of the forests on the reserves is ever attempted, the proposed Priest River Reserve, from the nature of its forest covering and the ease with which its timber can be marketed, will be found admirably suited for silvicultural experiments. No land in this proposed reserve has been entered, but it is covered by the land grant to the Northern Pacific Railroad.

7. THE BITTER ROOT FOREST RESERVE.

This proposed reserve includes a forest region of extremely precipitous and rugged mountains and lies on both sides of the boundary between Montana and Idaho; it contains an estimated area of 691,200 acres in Montana and of 3,456,000 acres in Idaho, or a total of 4,147,200 acres. From its eastern border the Bitter Root Mountains rise abruptly from the valley and are cut by the deep canyons of the streams which feed the Bitter Root River and make agriculture possible in the broad and fertile Bitter Root Valley. West of the summits of the Bitter Root

Range the proposed reserve includes some of the tributaries of the north fork of the Clearwater River, nearly the entire basin of the main Clearwater, and many of the tributaries of Salmon River, the waters of all the western part of the proposed reserve reaching the Columbia by way of Snake River. The eastern and western portions of the proposed reserve contain the sources of streams which can be used advantageously for purposes of irrigation; and the whole is covered with forests of yellow pine, lodge-pole pine, spruce, fir, and cedar. Portions of the reserve which lie in Montana are covered with forests of exceptionally large and valuable yellow pines, which are being rapidly cut without any pecuniary advantage to the Government. In Idaho, especially toward the southern part of the territory which it is proposed to reserve, and at high altitudes the forests are often separated by large burnt areas, many of them of ancient date; but no lumbering has been done and the whole region is remarkably rough and broken; it has no value for grazing except over a few small scattered areas, and the few deposits of valuable minerals known to exist within its borders are already exhausted. With proper protection the burnt areas will in time become covered with trees and the forests in this proposed reservation will be able to supply a large amount of material to the inhabitants of eastern Oregon and Washington, now one of the richest wheat-producing regions in the United States, and to the people of treeless southern Idaho. The region embraced in this proposed reserve appears to be the largest unsettled region in the United States, there being but three quarter sections of land entered in Idaho, while in Montana no entries have been made; few persons pass over its rough and difficult trails, and it can, therefore, be easily protected from fire.

8. THE WASHINGTON FOREST RESERVE.

This proposed reserve extends in Washington from about the one hundred and twentieth degree of west longitude to nearly the one hundred and twenty-second degree and from the international boundary southward to a little below the forty-eighth degree of latitude, the settled valley of the Skagit River being excluded in the west, and contains an estimated area of 3,594,240 acres. The region embraced in this proposed reserve extends over both slopes of the Cascade Mountains and is exceedingly broken and entirely clothed with forests. Those east of the Cascade divide have already suffered in places seriously from fire; they consist largely of yellow pine and are more open and less commercially valuable than those on the western slopes of the mountains, which are composed of spruces, firs, pines, cedars, and hemlocks of large size and of the first commercial value. Within this proposed reserve east of the Cascade summits are the sources of the Stehekin River, the principal feeder of Lake Chelan, and of the Methow River, a considerable northern tributary of the Columbia, and, like all the rivers of Washington, flowing eastward from the Cascade Range, important for the

irrigation of a region which needs only water to become exceptionally fertile. The forests in the eastern part of this proposed reserve should be preserved to protect the streams which head here; west of the Cascade summit for the timber which they contain. Only three quarter sections of land in this proposed reserve are covered by existing entries, findings, selections, or other claims on record on the tract books in the General Land Office up to the 20th of January of the present year, although there are a few settlers living on unentered lands on the Stehekin near the head of Lake Chelan, and a few others on a small tract of arable land in the valley of the Upper Methow. The territory in this proposed reserve is one of the most rugged, difficult, least known, and unsettled parts of the United States.

9. THE OLYMPIC FOREST RESERVE.

This proposed reserve occupies the high and broken Olympic Mountain region in northwestern Washington, and contains an estimated area of 2,188,800 acres. This is a region of steep and jagged mountains, their highest peaks clothed with glaciers and with perpetual snow. The forests here, watered by more copious rains than fall on any other part of the United States, are composed of enormous spruces, firs, and cedars, and in productiveness are surpassed in the world only by the redwood forests of the California Coast region. Few explorers have penetrated far into this region, which, from the denseness of its forest covering, offers exceptional difficulties to travel; and there is no record that it has been crossed in a north and south direction. This proposed reserve no doubt contains for its area the largest and most valuable body of timber belonging to the nation; and here is probably the only part of the United States where the forests unmarked by fire or the ax still exists over a great area in its primeval splendor. Toward the northwestern borders of the proposed reserve five hundred and fifty-two quarter sections of land appear to have been entered, principally under the provisions of the timber-claim law, but this entered land can not be readily excluded from the reserve without seriously complicating its boundaries, or without omitting a large body of unentered land which should properly belong to it. There is no agricultural or grazing land whatever in this proposed reserve and no traces of precious metals have yet been found in it. The character of its forests, which can be made to yield permanently vast quantities of timber, its wildness, the picturesqueness of its surface, and its remoteness make the proposed Olympic Reserve one of the most valuable of all the forest reserves which have been made or proposed.

10. THE MOUNT RAINIER FOREST RESERVE.

It is suggested that the existing Pacific Forest Reserve should be enlarged by the addition of a narrow strip of territory along its western border, in order to correct an error made when the boundaries of

this reserve were first laid down, and to make it thus include some of the salient features of Mount Rainier; that it should be extended southward along the two slopes of the Cascade Mountains nearly to the Columbia River, and the name Pacific Forest Reserve should be changed to Mount Rainier Forest Reserve. The name Pacific Forest Reserve is meaningless, and it is fitting that this reserve should bear the name of the great glacier-covered mountain, one of the highest, most beautiful, and interesting mountains in the United States, which is its chief natural feature. This was felt when the reserve was established, but to the people of Tacoma Mount Rainier is Mount Tacoma, and to avoid exciting local jealousies the Secretary of the Interior, at the last moment, adopted an inexpressive and inappropriate name. The mountain is now known officially in this country and by all foreign geographers as Mount Rainier, and is nowhere called Tacoma beyond the limits of the city of that name; and there seems no longer any reason why this reserve should not bear the name of Mount Rainier. The proposed extensions of this reserve contain an estimated area of 1,267,200 acres, which, with the 967,680 acres contained in the Pacific Forest Reserve, make a total of 2,234,880 acres. The preservation of the forests in the proposed southern extension will protect, east of the Cascade summits, the flow of several of the principal tributaries of the Yakima River, which furnishes the water for the most important system of irrigation in the State, and, west of the Cascade summits, timber of great commercial value. This whole region, which has suffered from fire and the unlawful pasturage of sheep, is practically unsurveyed and unsettled. One hundred and one quarter sections of land have, however, been entered upon within its boundaries. These are principally situated in the extreme southeastern corner, in the valley of the Little Salmon River. There are also a few settlers on tributaries of the Cowlitz River, close to the western borders of the proposed reserve.

11. THE STANISLAUS FOREST RESERVE.

This proposed reserve extends north over six townships along the summit of the Sierra Nevada Mountains in California, and embraces an estimated area of 691,200 acres. Many streams flowing east and west head in this territory and are fed by innumerable small lakes and alpine meadows. The forests, except in a few townships, are scanty and without value, except for preserving the flow of springs and streams; and the establishment of this reserve is recommended solely for the influence it can exert on the flow of Sierra rivers if its natural features are preserved. This region is now being injured by the illegal pasturing of sheep and by the fires which always follow the shepherd on the public domain, and its value as a water-storage basin is likely to be seriously impaired. For reasons which are not easy to explain, much of this high, rocky, timberless region has already been surveyed at the expense of the Government; 49 sections of land have already been entered, and 10 sections have been retained for reservoir sites.

12. THE SAN JACINTO FOREST RESERVE.

This proposed reserve embraces the San Jacinto Mountains in southern California, and is separated from the San Bernardino Forest Reserve by the San Gorgonio Pass. It contains an estimated area of 737,280 acres. The whole region, especially east of the mountains, is arid, and the lower slopes of the range, when not too steep, are clothed only with a bushy chapparal growth. Scanty forests of stunted conifers, however, exist on the sides of some of the canyons facing the ocean in the high valleys and on the elevated slopes, and the preservation of these forests seems essential that the mountain streams may supply water to irrigate the valleys of southwestern California, which without water are desert wastes, but irrigated bloom into the fairest orchards of the continent. Within this proposed reserve 421 quarter sections of land appear to have been already entered, as well as 29 quarter sections reserved for Indians. Much of this reserved land is in the San Jacinto Valley, where considerable timber has already been cut, and in Hermit Valley, where a large storage basin for irrigation has been built. This proposed reserve is covered by the land grant of the Southern Pacific Railroad. The people of southern California appear unanimous in their desire that this reserve should be made.

13. THE UINTAH FOREST RESERVE.

This proposed reserve embraces both slopes of the eastern part of the Uintah Mountain Range in northern Utah and the northern slope only of the western part of this range, the southern slope here being included in the Uintah Indian Reservation. The Uintah Mountains are covered with valuable forests of spruce, which protect the sources of several large streams which eventually discharge into Green River, those flowing northward from the range being already utilized for irrigation. The region within the borders of this proposed reserve is practically uninhabited, only 25 quarter sections of its land having been entered. There is, however, a large agricultural population already living in the territory immediately adjacent to it on the north and east, who find in the forests of the Uintah Mountains their only local timber supply, and this population will suffer for water if the fires which have now for many years swept through these forests are allowed to destroy them. If the Uintah Indian Reservation is ever purchased by the Government, all the northern mountainous portion, embracing the southern slopes of the western end of the Uintah Range, should be included in this forest reserve.

The total area of these thirteen proposed forest reserves, which are plotted on the accompanying maps, is 21,379,840 acres. The commission fully recognized the fact that the forest reserves established and proposed can not be maintained unless a plan can be adopted under which their boundaries can be modified so as to take from them all lands better suited for agriculture than for the production of forests, and

under which their timber can be made available for domestic and commercial purposes and valuable minerals can be freely sought for and mined within their boundaries. The commission is now engaged in perfecting a scheme of forest management which it believes will make the administration of the reserves possible, and which in due time will be submitted to you. It believes that the solution of this difficult problem will, however, be made easier if reserved areas are now increased, as the greater the number of people interested in drawing supplies from the reserved territory or in mining in them the greater will be the pressure on Congress to enact laws permitting their proper administration. For this reason it is the unanimous opinion of the commission that the establishment by proclamation of the reserves described above is now a matter of the utmost importance to the development and welfare of the whole country.

Very respectfully, C. S. SARGENT,
Chairman.

ARNOLD ARBORETUM, HARVARD UNIVERSITY,
Jamaica Plain, Mass., April 6, 1897.

SIR: The legislation relating to reserved forest lands of the public domain which the commission of the National Academy will recommend in its final report now in course of preparation provides for the following:

First. That authority be given to the Secretary of War to make details of troops at the request of the Secretary of the Interior to protect temporarily and until a forest service is organized the property of the Government in the forest reservations from fire and trespass, and to enforce such rules and regulations as he may make for their care.

Second. The establishment of a permanent forest bureau in the Department of the Interior composed of trained officers to administer, maintain, and improve the reserved forest lands.

Third. The appointment of a commission to institute as rapidly as possible, under the supervision of the Director of the Geological Survey, topographical surveys of the reservations and determine what portions of them should be permanently reserved on account of their forest covering, and what portions should be reopened to entry and sale.

Fourth. To authorize the Secretary of the Interior to issue the necessary rules and regulations for the protection, growth, and improvement of the forests on the reservations; for the sale of timber, firewood, and fencing from them to actual settlers in and adjacent to the reservations, and to owners of mines legally located therein for use in such mines; for granting permits to sawmill owners to enter the reservations for the purpose of manufacturing such lumber as may be sold to actual settlers in and adjacent to the reservations and to the owners of mines located therein; for allowing actual settlers who have no timber on

their own claims to take from the reservations firewood, posts, poles, and fencing material necessary for their immediate personal use; for allowing the public to enter and cross the reservations; for granting to county commissioners rights of way for wagon roads in and across the reservations; for granting rights of way for irrigating ditches, flumes, and pipes, and for reservoir sites; and for permitting prospectors, under such rules and regulations as he may from time to time establish, to enter the reservations in search of valuable minerals.

The commission will recommend that the reservations be opened to the location of mining claims under the general mineral laws, and that the owners of valid mining locations in the reservations made and held in good faith shall be permitted to fell and remove from their claims the timber growing on them for actual mining purposes in connection with the particular claim from which the timber is cut. It will also recommend that the owners of unperfected bona fide claims or patents of land included in the forest reservations shall be permitted to relinquish their claims to the Government, selecting in lieu tracts of vacant land open to settlement but not exceeding in area the tracts covered by their claims or patents; and that the owners of such unperfected claims shall not be subjected to additional charges for entries or record, and that credit shall be allowed them for the time spent on the relinquished claims. The commission will also recommend that the Secretary of the Interior be authorized to enter into negotiations with the land-grant railroad companies for the purpose of concluding agreements by which these companies may relinquish to the United States the title acquired by them to lands within their granted and indemnity limits when these lands lie within the boundaries of forest reservations, and may accept other unappropriated lands in exchange from the even-numbered sections within their granted and indemnity limits not included in forest reservations.

Very respectfully, your obedient servants,

C. S. SARGENT.
HENRY L. ABBOT.
W. H. BREWER.
ARNOLD HAGUE.
WOLCOTT GIBBS.
GIFFORD PINCHOT.

The SECRETARY OF THE INTERIOR,
Washington, D. C.

THE NATIONAL ACADEMY OF SCIENCES,
Washington, May 1, 1897.

SIR: I have the honor to transmit to you herewith a copy of the complete report of the commission appointed by me on behalf of the

National Academy of Sciences, at the request of your predecessor, the Hon. Hoke Smith, to consider and report upon the inauguration of a rational forest policy for the forested lands of the United States.

I am, sir, very respectfully, your obedient servant,

WOLCOTT GIBBS,
President of the National Academy of Sciences.

Hon. CORNELIUS N. BLISS,
Secretary of the Interior.

REPORT OF THE COMMISSION APPOINTED BY THE NATIONAL ACADEMY OF SCIENCES UPON A FOREST POLICY FOR THE FORESTED LANDS OF THE UNITED STATES.

ARNOLD ARBORETUM, HARVARD UNIVERSITY,
Jamaica Plain, Mass., May 1, 1897.

SIR: The commission appointed by you, in compliance with the request contained in the following letter, has the honor to submit this report, which is based on actual examinations of much of the reserved and unreserved forest lands of the public domain and on a general study of the topography and climate, and of the economic conditions of the Western States and Territories:

DEPARTMENT OF THE INTERIOR.
Washington, February 15, 1896.

SIR: I have the honor, as the head of the Department charged with the administration of the public domain, to request an investigation and report of your honorable body, as is provided in the act incorporating the National Academy, and by article 5, section 5, of its constitution, upon the inauguration of a rational forest policy for the forested lands of the United States.

Being convinced of the necessity for a radical change in the existing policy with reference to the disposal and preservation of the forests upon the public domain, I particularly desire an official expression from your body upon the following points:

(1) Is it desirable and practicable to preserve from fire and to maintain permanently as forested lands those portions of the public domain now bearing wood growth, for the supply of timber?

(2) How far does the influence of forest upon climate, soil, and water conditions make desirable a policy of forest conservation in regions where the public domain is principally situated?

(3) What specific legislation should be enacted to remedy the evils now confessedly existing?

My predecessors in office for the last twenty years have vainly called attention to the inadequacy and confusion of existing laws relating to the public timber lands and consequent absence of an intelligent policy in their administration, resulting in such conditions as may, if not speedily stopped, prevent a proper development of a large portion of our country; and because the evil grows more and more as the years go by, I am impelled to emphasize the importance of the question by calling upon you for the opinion and advice of that body of scientists which is officially empowered to act in such cases as this.

I also beg to refer you to the proposed legislation which has been introduced into Congress for several years past at the instance of the American Forestry Association, supported by memorials of private citizens and scientific bodies, and more especially the memorials presented by the American Association for the Advancement of Science in 1873, which led to desirable legislation, and again in 1890, 1892, and 1894.

As I believe that a speedy change in the existing policy is urgent, I request that you will give an early consideration to this matter, and favor me with such statements and recommendations as may be laid before Congress for action during this session.

I have the honor to be, your obedient servant,

HOKE SMITH, *Secretary.*

Prof. WOLCOTT GIBBS,
President of National Academy of Sciences, Newport, R. I.

THE CONSERVATION OF FORESTS.

The influence of forests upon climate, soil, and the flow of water in streams has attracted much attention during the past century; but while the general consensus of opinion among experts is that this influence is potent and beneficial, the absence of exact data extending over long periods of time and the complex nature of the phenomena involved render it necessary to base this conclusion rather upon general considerations than upon statistics.

An elaborate statistical study of climatic changes has been undertaken in Europe by Gustav Wex, ministerial counselor and chief engineer of the Danube improvements at Vienna. His study is based on an analysis of all available water-gauge observations made on large European rivers during the last two centuries. Such records were collected for fifty-five stations on twelve rivers, all but two, the Tiber and Glommen, heading in central Europe.

These observations were discussed by dividing each record into two equal parts and finding for each half (about thirty years, more or less) the arithmetical mean of the mean annual stands and of the highest and lowest annual stages. Some of these records extend back more than a century; all are authentic, and relate to districts where the physical conditions and changes are well known. By comparing the mean levels (annual, flood, and lowest water) in the first half and last half of the periods covered by the observations, Wex believes that he can detect any secular variation in the flow of streams attributable to increased cultivation, and especially to the known destruction of forests. The following consolidated table derived from his two treatises[1] on the subject exhibits the general results of this analysis:

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[1]Ueber die Wasserabnahme in den Quellen, Flüssen und Strömen bei gleichzeitiger Steigerung der Hochwässer in den Culturländern, Zweite Abhandlung über die Wasserabnahme in den Quellen, Flüssen und Strömen bei gleichzeitiger Steigerung der Hochwässer in den Culturländern, both translated by General Weitzel, of the Corps of Engineers, United States Army, and published in the Government Printing Office in 1880 and 1881.

River.	Records between—	Limiting periods.	Lower in second half period (inches per annum).			
			Stations.	Mean level.	Flood level.	Lowest level.
Rhine	Basle Arnheim	1770–1874	22 in 23 27 to 28 26 in 28	0.11 to 1.44	..... 0.07 to 2.91	.... 0.10 to 1.44
Danube	Dillingen Old Orsova	1822–1875	6 in 6	0.12 to 1.55	0.20 to 1.63	0.02 to 1.24
Elbe	Dresden Magdeburg	1731–1873	7 in 7	0.39 to 1.28	0.11 to 1.95	0.36 to 1.14
Vistula	Cracow Kurzeback	1809–1873	2 in 2	0.43 to 0.56	0.07 to 0.25	0.71 to 0.93
Oder	Custrin	1778–1835	1 in 1	0.36	0.32	0.34
Moselle	La Lobe Sierk	1839–1866	2 in 2	0.47 to 0.82	0.62 to 0.93	0.31 to 0.81
Main	Busselheim Kurtzburg	1845–1874	2 in 2	0.08 to 0.21	0.14 to 0.30	0.16 to 0.46
Theis	Szegedin	1851–1872	1 in 1 0 in 1	1.89	..... a 0.95	1.42 .....
Po	Piecenza Cremona	1837–1874	2 in 2 1 in 1	0.17 to 1.34	..... 2.25	..... 0.38
Tiber	Rome	1822–1871	1 in 1 0 in 1	..... [1] 0.45	1.31	0.53 .....
Seine	Paris	1800–1866	1 in 1	Not kept.	1.07	0.34
Glommen	Nastengen Sarpfos	1847–1876	2 in 2 0 in 2	0.11 to 0.24	..... [1] 0.38 to 0.73	0.24 to 0.81 .....

a Rise.

In drawing conclusions from these data it should be remembered that the mean level for each year is derived from 365 observations, while the corresponding flood level and lowest water level are each determined by the records of only a few days, and are especially subject to exceptional variations. The mean levels are therefore entitled to the greater weight. Moreover, the highest and lowest points reached throw little or no light upon the durations of the corresponding high-water and low-water stages of the river, which are vital elements in estimating the discharge, and hence the general hydraulic conditions affecting the district.

The figures in the table indicate a pronounced lowering of the mean, of the flood, and of the low-water stages of these rivers, but that caution should be observed not to misinterpret the apparent flood change as implying a reduction of flood volume, or even of extreme flood height, is shown by the following quotations from Wex:

> The plots of the gauge readings show that in these rivers [the Rhine, Danube, Elbe, Vistula, and Oder] the floods in recent periods occur oftener and rise higher than in former times. It follows clearly, then, that during flood stages the discharge is much greater than formerly. These plots show, further, that the earlier floods were more regular than those of the later decades, in which excessive heights in one year are followed by very moderate heights in another, thus proving that very wet and very dry seasons occur more frequently and show greater variations than formerly. This is particularly noticeable for the Elbe and Vistula.

What conclusions are, then, to be drawn from these data in regard to the influence of forests upon climate and stream flow? They certainly demonstrate a progressive reduction in the mean annual, the flood, and the lowest water levels upon all the chief rivers draining central Europe, and that the change is very considerable. Wex claims that

this reduction is due to cultivation and to the extensive clearing of forested lands, and argues further that it implies a corresponding diminution in the annual discharge of the springs, streams, and rivers, and hence in the annual rainfall. This last inference has been disputed, because rain records kept during these same periods at Paris, St. Petersburg, and Copenhagen indicate no change. Wex replies that these cities are too near the coast and too far from the mountains to afford a check, and that rain records kept in the Erz Mountains and at Geneva do show small reductions.

Whether a grand climatic change in Europe be in progress or not, it would seem that the observed facts can be more simply explained by the well-established change in regimen often following the destruction of forests, especially in mountain regions. The more rapid melting of snow and the reduced obstructions to surface drainage hurry the water forward and increase the number and sometimes the extreme height of the spring freshets, leaving a less volume to be absorbed by the ground and gradually returned through springs and brooks during the low-water season. Destructive floods are thus rendered more frequent, and summer droughts more to be dreaded. But since both the mean velocity and the area of cross section, and hence for a double reason the discharge per second per foot of rise, increase much more rapidly in the higher than in the lower stages, such a change of regimen (the annual volume remaining unchanged) would exhibit itself by a reduced mean annual level, and a reduced low-water level.

The influence upon the flood level is less easily inferred, because in large rivers the extreme height attained depends more upon the coincidence of floods in the different tributaries than upon the height reached in each. If the change in regimen leads to less frequent coincidences than before, a much larger volume may pass off at a less flood height, lasting, of course, for a longer period.

Since these are the only data covering sufficiently long periods of time to be worthy of confidence, and since their indications can be logically explained without resorting to the hypothesis of a reduction in rainfall consequent upon cultivation and the destruction of forests, it can not be claimed that observation supports such an hypothesis. But the problem contains too many uncertain elements to warrant a purely theoretical solution, and it is therefore the part of wisdom to be cautious in advancing a claim that forests exert a beneficial influence upon the precipitation of moisture.

But however these valuable records be interpreted, whether they indicate a progressive change in climate or simply a change in river regimen, they certainly tend to confirm the belief generally entertained by experts, and based on facts observed at many widely different localities, that forests exert a most important regulating influence upon the flow of rivers, reducing floods and increasing the water supply in the

low stages. The importance of their conservation on the mountainous watersheds which collect the scanty supply for the arid regions of North America can hardly be overstated. With the natural regimen of the streams replaced by destructive floods in the spring, and by dry beds in the months when the irrigating flow is most needed, the irrigation of wide areas now proposed will be impossible, and regions now supporting prosperous communities will become depopulated.

Moreover, forests upon steep mountain slopes like those upon the public domain of the United States should be preserved to protect their surface. The soil on such slopes is held back by the roots of trees and shrubs and by grasses and other low plants, and protected against wind. When these are removed the soil washes down into the streams and is swept over arable lands in the valleys below, leaving the naked rock behind. In this way forest destruction on high mountain slopes produces results similar to those due to hydraulic mining in California, against which legislation by Congress has been sought and obtained. Millions of dollars have been expended during recent years in Europe in checking the force of floods due to denuded mountain slopes by the construction of stone dams and river beds and the planting of sod and trees; and in this country similar expenditures must follow the destruction of mountain forests if the narrow valleys of the West are to continue habitable.

In districts of less abrupt slopes the trees form and accumulate a mass of humus and absorbent materials which gathers moisture and holds the rain water until it can percolate into the subsoil through channels provided around their roots. Ultimately this ground water finds its way into springs and brooks, and promotes the general fertility of the region. Experience in every civilized country bears testimony to the fact that cutting away trees under such circumstances is followed by the drying up of streams and by less favorable conditions for local water supply.

But a well-regulated water supply is not the only thing dependent on the preservation of forests. In civilized nations the demand for lumber and other forest products is continuous, and requires systematic and intelligent forest reproduction. Numerous districts in our country have now no more timber than is needed for early use, and if forest reproduction is not encouraged local-timber scarcity in the not distant future seems inevitable. The enormous waste from forest fires, incendiary and accidental, which prevail in nearly every part of the United States, the extravagant modes of lumbering, especially in the West, permitting valuable logs to rot in the brush on account of slight defects, and the universal neglect of all reproductive measures threaten the prosperity of the country and should receive early attention from the Government.

FOREST ADMINISTRATION IN FOREIGN COUNTRIES.

Before considering the American problem in detail, or any system for the administration of the public forests of the United States, it may be useful to briefly outline the forest measures which experience has dictated in other civilized countries, where, with the exception of Great Britain and China, the people enjoy the advantages of well-organized and efficient forest departments, which also exist in nearly all British colonies. Our political, social, and climatic conditions are so different, however, from those of the countries of the Old World that their methods of sylviculture and the legal complications resulting from their governmental, municipal, and private ownership of land possess little practical value for us at this time; but it is desirable that Congress should appreciate that forest administration is now regarded as an important government duty throughout the civilized world, and that it has been wholly neglected by the United States.

So many of the general features are common to all foreign forest systems that it will be necessary to consider only one of them in detail and to refer briefly to others which appear to afford good models for our consideration. That of France is selected for fullest explanation, not only because it dates from the Middle Ages, but because it is applicable to an entire country, without the confusing special conditions which in most European States are the result of local provincial subdivisions.

France.—Some kind of forest rules in connection with the game laws are said to have been handed down from the time of Charlemagne, but in 1669 Colbert, the minister of finance under Louis XIV, caused stringent forest laws to be enacted which proved of great benefit to the country. During the French Revolution the division of the large landed estates among many proprietors led to a general devastation of the forests, and induced legislation which finally, in 1827, established essentially the present forest administration system.

The central authority is vested in an administrative forest council, which consists of the minister of agriculture as president, the director of forests, and three officers entitled administrators. The forest council ordinarily meets once a week and deals with general matters pertaining to the forest administration.

The director of forests is the executive head of the forest service. His personal staff consists of two secretaries, one of whom is a forest inspector, and two clerks.

The three administrators are each the head of a bureau with headquarters in Paris, but they may be sent on special missions. In certain cases they act largely as inspectors, which was originally their exclusive duty. The first bureau deals with matters of law and police, purchases and condemnations of land, forest instruction, tools, supplies, etc. One of its sections is responsible for carrying into effect the

decisions of the forest council, and for office work connected with the inspecting tours of the administrators. The second bureau is charged with preparing working plans and the actual management of the forests. The third bureau deals with torrents, the reforesting of mountain slopes, the care of young plantations, and with dunes, roads, buildings, and pasturage.

The field personnel consists of 33 conservators, through whom all matters from below reach the central administration. Thirty conservancies are established in France, 1 in Corsica, and 3 in Algeria. In 11 of these conservancies officers of the working-plans division are stationed, and in 5 officers of the reforesting division.

In the lower grades are 232 inspectors, 249 assistant inspectors, and 274 "guards general," or a total of about 800 men in the superior forest service. Forest guards of all grades number 4,170, so that the grand total of the service is about 5,000 men.

The areas in charge of the forest service include the property of the Government, of communities, and of public institutions. In addition, a certain oversight, varying in closeness with situation and character, is exercised over the forest holdings of private individuals.

All members of the forest service below the grade of officer must have served in the army and, as a rule, must have attained the grade of noncommissioned officer. Their appointment and promotion are regulated by merit. They live in or near the forest, and each guard is charged with the care of about 2 square miles. Head guards superintend all work in progress and communicate the instructions of the officers. Police duties are an important part of their functions, including the right to make domiciliary visits and to arrest suspected persons. They take the oath of office and are prohibited from engaging in any industry connected with wood. They are entitled to pensions after completing twenty-five years' service, including the time spent in the army.

Forest products are sold by forest officers at auction or by the granting of permits, as the case may be, but the sums realized are paid directly into the public or communal treasury. Forest officers have nothing to do with the receipt or payment of funds.

Candidates for the grade of forest officer are, as a rule, trained at the National Forest School at Nancy, but one-third of the appointments are reserved for the promotion of deserving subordinates. After leaving the school the young officer is employed for about a year in learning his duties practically, under an inspector. His advancement and further promotion depend on his qualifications and exertions as reported by his immediate superiors. Forest officers are retired for age, as in the military service.

There are two forest schools in France—one for officers at Nancy, established in 1824, and another at Barres, to facilitate the promotion of deserving subordinates deficient in education. The course covers

two years, each comprising six and a half months of theoretical and two and a half months of practical instruction. The latter consists of tours into the forests near Nancy, the Vosges, the Jura, etc., for the purpose of studying foresty, natural history, and surveying, a part of the time being devoted to military exercises. Military science forms part of the theoretical course. Between the foundation of the school, in 1824, and 1887, 1,334 candidates for the forest service in France and 73 Englishmen had been received, the latter being admitted to prepare for service in India under a special arrangement made with the French Government.

Under the general law the forest department forms part of the army, which in the case of mobilization is at the disposal of the war minister. The officers hold rank in the reserve or territorial army, and in time of war may be employed in command of the forest corps or otherwise, as ordered. A military uniform is prescribed for all grades of the forest service, including the students at the schools.

The forest system of France has been extended to Algiers; but the governor-general has been invested with special powers, to avoid constant reference to the central Government.

The annual revenue from the Government forests of France and Algiers exceeds $6,000,000, and the expenses for 1896 were estimated at $3,300,000.

Germany.—The political division of the Empire causes the regulation of the forests to devolve largely upon the several states, and slightly different systems are adopted, according to local requirements; but the management in Prussia may be regarded as practically typical of the whole.

The destruction of forests which occurred in the seventeenth and eighteenth centuries has caused the advance of sand dunes from the shores of the Baltic, the washing away of surface soil in the western mountainous districts by torrential floods, and the overwhelming of fertile valleys with débris from mountain slopes. Forestry has thus been forced upon the attention of the Government. Bounties are granted to communes which undertake tree culture upon waste mountain slopes, seedlings and young trees are supplied at cost, and considerable sums are spent annually by the State in forest improvement, and especially in checking the advance of sand dunes.

Forest administration in Prussia is vested in the ministry of agriculture, domain, and forests. The minister regulates the maintenance and utilization of the State forests. His staff consists of a head State forester, a director, and four technical forest counselors.

Prussia is divided into 679 forest districts, each averaging about 9,000 acres in extent, and under the control af a head forester. The district is the unit of financial administration, all accounts passing from the head forester through an independent treasurer to the finance department of the Government for audit. The head forester is

charged with the entire management of his district. He receives a permanent appointment from the minister after passing a prescribed technical examination, and he is entitled to a pension. Under him serve foresters, forest guards, and assistant foresters, for whose performance of duties and pay he is responsible. In 1887 there were in Prussia 3,390 foresters and 349 forest guards. Previous service in the army is a condition of appointment to these grades, and the wearing of a uniform is compulsory, as indeed is the case with all grades of forest officials.

The next grade above that of head forester is that of forest master, who supervises several forest districts. Above him is the head forest master, who is a member of his provincial government and supervises all the forest districts within its limits. These officers are appointed by the Sovereign, upon the nomination of the minister of agriculture, domain, and forests, each being selected from the next lower grade, and in the case of head forest masters the provincial ministry being consulted.

There are two forest academies in Prussia, one at Eberswalde and the other at Münden. The course of study covers two years, and is designed to fit the pupil for the higher grades of the forest service. There are also two classes of preparatory forest schools, for practical instruction in the duties of the lower grades.

The forest administration of Prussia contributes a large sum to the revenue, the annual receipts being about $14,000,000 and the expenditures about $8,000,000.

British India.—The vastness of the forest area of British India, often arid, which has been successfully managed and protected, the varied climate and difficult sylvicultural conditions existing in these forests, and the great pecuniary success of the Indian administration, make it specially interesting to the students of the American problem, who find here many valuable suggestions.

The forest department code is applicable to all the provinces under the control of the government of India, but not the presidencies of Madras and Bombay, which, however, by special order may adopt the system.

The officers of the forest department are: One inspector-general, an assistant inspector-general, conservators of three grades of pay, deputy conservators of four grades of pay, assistant conservators of three grades of pay; also a director and instructor at the School of Forestry, and a superintendent of surveys.

The subordinate employees are graded as subassistant conservators, forest rangers, foresters, forest guards, etc.

The inspector-general is attached to the secretariat of the home department of the government of India. He assists in dealing with forest matters and controls the School of Forestry at Dehra Dun, the forest survey, and the working plans. He is aided by an assistant

inspector-general. He makes inspections and submits reports thereon either to the government of India or to the local governments; and he may correspond with the officers in local charge of forests but can not give orders to them.

Immediate forest management is vested in the local governments of the several provinces. Their executive is a conservator. His charge is divided into "divisions," "ranges," and "beats." The range is the unit of administration. It is subdivided into beats and grouped into divisions, each in immediate charge of a forest officer of suitable grade.

The numbers and pay of subassistant conservators are regulated by the government of India, which also fixes the maximum amount to be spent for the lower-grade employees. The appointments are made directly by the local governments or are delegated to the conservator. Subassistant conservators are usually promoted from the grade of forest ranger. Forest rangers are appointed from graduates of the Dehra Dun Forest School, or from subordinates of good record, or from native noncommissioned officers of the army.

Vacancies in the lowest grade of forest officer are filled (1) from candidates who have had a professional training in a manner prescribed or approved by the secretary of state for India, or (2) by promotion for special merit after a service of at least five years. Promotions in the lower grades are regulated by the local governments, but in the higher grades by the government of India. Seniority is recognized. Examinations and favorable reports from superiors influence the selections. Transfers from one province to another are exceptional below the grade of conservator. Officers are entitled to retirement, and may be reduced in rank for misconduct. All resignations must be accepted by the government of India.

Working plans are prepared by local officers, under the direction of local governments, but are subject to supervision and approval by the inspector-general. In case of disagreement reference is had to the government of India.

The Royal Indian Engineering College, at Cooper's Hill, England, since 1885 has had a forestry course, designed to fit students for the service in India. About ten graduate annually. Applicants selected by competition before the civil-service commission are then put to further tests by the Indian office, and, having taken the course at the college are, with application and good conduct, sure of appointment in the Indian forestry service.

The total area of forest land under the control of the forest service in 1894–95 was 12 per cent of the total surface of India, or 112,952 square miles, of which 74,271 miles were reserved forests, 7,090 protected forests, and 31,591 unclassed state forests. The increase for the previous year exceeded 9,000 square miles, acquired by the settlement or extinction of prescriptive rights. The total length of boundaries demarcated up to June 30, 1895, in Provinces under the government of India alone, was upward of 60,000 miles.

Working plans in operation cover 14,769 square miles, and in a territory of 30,963 square miles fires are kept in check. Protective measures failed on 6.6 per cent of this area during the last year, so that 28,913 square miles were effectively protected, at a cost of 8.75 rupees per mile. The present value of the rupee is about 30 cents, and therefore the cost of effective protection in India, where fires are at least as difficult to control as in the United States, is rather less than half a cent an acre per annum. An area of 33,420 square miles is covered by topographical surveys, executed in nearly the same proportion by the forest survey branch and the survey of India department. Forest offenses of all kinds during the last year averaged less than 1 to 3 square miles of forest.

The product of the great area administered by the forest service yielded during the year 1894–95 46,000,000 cubic feet of timber, 100,000,000 cubic feet of fuel, 134,000,000 bamboos, and minor products to the value of more than 3,000,000 rupees. The gross revenue from the forests is given at 16,788,880 rupees, and the net at 7,415,590, or about $3,000,000.

This surplus has grown from less than 2,000,000 rupees in 1870–71 to 2,500,000 rupees in 1880–81, to a little less than 7,000,000 rupees in 1890–91, and finally to almost 7,500,000 rupees in 1894–95, when the yield was nearly 1,000,000 rupees less than that of the year before. These results have been reached with a consistently conservative forest policy and in spite of the enormous drain made by the holders of prescriptive rights in the forests, which in 1894–95 amounted to nearly 6,000,000 rupees.

Systematic government forestry in India is of recent growth. The first Indian forest act was passed in 1865, although nearly ten years before Dr. Dietrich Brandis, the first inspector-general of the Indian forests, had begun to manage the teak forests of Pegu.

Dominion of Canada.—Physical and topographical conditions in Canada so much resemble our own that special interest attaches to its legislative measures regarding forests. As in the United States, the title to lands situated in the older Provinces and not held by individuals is vested in the provincial governments, while in the central and western Provinces the Dominion itself, as representative of the Crown, holds the fees. Hence result different and independent systems of forest administration in the different Provinces.

The Provinces of Ontario and Quebec, bordering upon the Great Lakes and the St. Lawrence River, and extending far to the northward, contain on the high table-lands that form the divide between the southern watershed and Hudson Bay immense areas of Crown lands which have never been sold, and which are generally rocky, unsuitable for the plow, and clothed with timber. In both of these Provinces the management of the Government forests devolves, under quite similar regulations, upon the department of Crown lands, the administrative direction forming a branch or bureau which is charged with public

instruction in forestry as well as with the supervision of the forested districts. The latter are divided into "agencies," of which the control is vested in officers denominated Crown lands and timber agents, having under them experienced woodmen called forest rangers, fire rangers, etc.

The agents are charged with the inspection and sale or lease of the public lands, the granting of licenses to cut timber, the collection of dues, and the protection of the public domain against trespassers and fires. Of the subordinates, some hold office during the entire year and others only during the dangerous fire months, the number of the latter being discretionary with the commissioner of Crown lands. The functions of justices of the peace, constables, and watchmen are performed by these subordinate officers. The last annual report for the Province of Quebec gives the names of such employees, amounting to 40 Crown lands and timber agents, 65 forest rangers, 73 fire rangers, 81 gamekeepers, together with a superintendent, an assistant, and 3 clerks of the branch of woods and forests, making a total of 264 officials. The total revenue from lumbering operations in this Province collected during the year ending June 30, 1896, amounted to $951,098.92.

The system of disposing of the timber on the Crown lands of Quebec and Ontario was adopted many years ago and has been found to work well, except that it does not provide for future crops of timber on lands unsuitable for tillage, and which therefore remain unsettled and unproductive after the forest has been removed. Under the rules now in force, when it becomes advisable to sell the timber from certain determined areas, forest rangers, who are experienced woodmen employed by the Government under the direction of the different Crown timber agents, are sent out to examine the forests and furnish the department of Crown lands with estimates of standing timber. The territory is then divided into timber "berths" of different sizes, which are advertised for sale at auction to the highest bidder, the department fixing a minimum price based upon the estimate of the forest rangers. The timber is sold at a rate per square mile subject to stumpage dues, but as these are low, large sums are bid by way of bonus for the license to cut over certain areas. At the last sale, that of 1892, the the sums paid in Ontario as bonus averaged $3,657.18 per square mile.

The timber when cut also pays dues on saw logs of from $1 to $1.25 per thousand feet, board measure, and on square dry timber of from $20 to $25 per thousand cubic feet. The timber licenses are for one year, renewable on the license holder complying with the conditions of the license, which include a yearly ground rent of $3 per square mile. Although the early licenses included all timber, in sales held since 1891 the white pine only has been specified. The land, it must be remembered, is not sold to the licensee or "limit holder," but is reserved for settlers. When the land under license is required for settlement, the licensee or limit holder is given a reasonable time to

remove the white pine, all other timber becoming the property of the settler on his complying with the terms of settlement. In case of unsettled land the limit holder, as long as he continues to pay ground rent, retains control of the limit until the land is required for settlement. Forest rangers under this system are also employed to watch areas not under license to prevent unlawful cutting of timber.

A provisional fire act, based on laws of several of our States, had, prior to 1886, been on the statute books of the Province of Ontario, but from lack of proper means for the enforcement of its provisions it had not succeeded in checking forest fires. In that year the system now in force was adopted and in practice has proved highly successful. Under its provisions a number of men are placed upon the Crown lands from May until October, when forest fires are most dangerous, in those localities specially exposed by reason of settlement, railway construction, or lumbering. Where the land is under license the cooperation of the limit holders is required, it being optional with them to avail themselves of the system. The number of men necessary to properly protect a piece of property is determined by the owners of the limit, who are supposed to be familiar with the country and with local conditions and special dangers. The selection of the men to be employed in this protective force is also left to the limit holders, the department reserving, however, the right to reject or remove any man whom it may consider unfit for the position.

These fire rangers are constituted officers for the enforcement of the fire act, and are governed by instructions from the department. They make the public acquainted with the provisions of the fire act by posting it in conspicuous places and circulating it among settlers and lumbermen. In case forest fires break out, they are authorized to engage assistants to suppress them; if dangerous, it is their duty to notify the limit holder and the department. One-half of the expense incurred in maintaining this forest staff and in suppressing fires is borne by the Crown lands department and the other by the owners of the limits. The pay of fire rangers is fixed at $2 a day, without board or other extras. The good effects of this system were especially manifested during the summer of 1895, which was extremely hot and dry. In consequence of this exceptional danger the staff of rangers was strengthened in specially exposed places and close vigilance was maintained.

Reports from 49 timber limits where this system was in operation during the summer of 1895 show that the value of the timber damaged by fire was only $41,600. The number of fires specifically reported was 93; in addition to these many others, principally small, were not enumerated in the reports of the fire wardens; and the Canadian forest officers are convinced that forest areas which might well have amounted to hundreds of square miles would have been burnt over during that exceptionally dry summer without the presence at exposed points of

this trained corps of Forest Rangers. This saving in Ontario has been effected by the employment of 114 men for a few months, at a total cost of $26,253, shared between the public treasury and the owners of timber limits. The Ontario forest-fire system has now been tried for nine years and its compulsory extension is recommended by the Canadian Government officers. In Quebec equally satisfactory results have followed the introduction of the forest-patrol system, which can no longer be regarded as experimental in that Province.

In the districts of Upper and Lower Ottawa during the summer of 1895, where it was also unusually dry, no serious conflagrations occurred. No less than fifty-six incipient fires, however, were extinguished by the Forest Rangers, any one of which might have assumed serious damages and caused heavy losses. The total damage in the district amounted to between $500 and $1,000. In other districts in Quebec numerous small fires are extinguished every year by Rangers, who, appearing promptly on the scene, assist the inhabitants in suppressing them.

The forests of the western provinces of the Dominion are under the control of the minister of the interior, who, following the system adopted in the older provinces, has under him Crown timber agents charged with the administration of suitable districts.

The value of the system which has been adopted in Canada, under which the Government retains the fee of its forest lands, would have been inestimable in large immediate revenue and in future crops of timber in such regions as those adjacent to Puget Sound or the coast of northern California; but the fee of nearly all the best timber land in the United States has now passed into the hands of individuals or corporations, and such a policy can now be applied only to comparatively small areas generally covered with inferior timber.

THE RESERVED FOREST LANDS OF THE PUBLIC DOMAIN.

The peculiar topographical and climatic conditions of western North America would appear to make the preservation of its forests essential to the profitable and permanent occupation of the country. The precipitation of moisture west of the one hundredth meridian is unequally distributed throughout the year; the summers are hot and dry, and the whole territory, with the exception of the coast region of the northwest, is watered so imperfectly that forests are restricted to the slopes of high mountain ranges or to elevated plains and mesas, the valleys of the interior and of all the south being practically treeless. In all the interior and southern regions precipitation is insufficient for certain and profitable cultivation, and permanent agricultural prosperity can only be assured through irrigation. Much of the region is traversed by lofty mountain ranges well wooded at the north and sparsely wooded at the south. Their forests serve to collect and in a measure regulate the flow of streams, the waters of which, carefully conserved and distributed artificially, would render possible the reclamation of vast areas of

so-called desert lands. Irrigation systems have been undertaken in many localities under State or corporate control and have been prosecuted until their value has been amply demonstrated, although the one essential condition of their permanent success, the preservation of the forests on high mountain slopes, has been entirely neglected.

Under authority of section 24 of the act of Congress approved March 3, 1891, by which the President of the United States can withdraw from sale and entry and set apart as forest reservations parts of the public domain, whether wholly or in part covered with timber, seventeen forest reserves, with a total estimated area of 17,500,000 acres, were established prior to 1894. During the journey made by your committee last summer through the Western States and Territories it became impressed with the importance of extending this reserved area before further encroachments were made on the public domain; and on its return it prepared a short preliminary report, recommending the establishment of thirteen additional forest reserves, with an estimated total area of 21,378,840 acres, and roughly designating their boundaries. On the 6th of February this report was submitted by the Secretary of the Interior to the President, who on the 22d of February issued proclamations making the recommendations of your committee effective. The correspondence relating to this matter is appended to this report. (Appendix A.)

Members of your committee visited during the summer and autumn all the forest reservations established prior to February 22, 1897, with the exception of the Pecos River Reserve in New Mexico, the Battlement Mesa Reserve in Colorado, the Yellowstone National Park Timber Reserve in Wyoming, already well known to its members, and the small and comparatively unimportant Afognak Reserve in Alaska, the Bull Run Forest Reserve in Oregon, and the Trabuco Canyon Reserve in southern California, and studied also forest conditions in many of the unreserved regions of the national domain. Beyond the limits of the national parks, which are effectively and economically patrolled by detachments of the United States Army, your committee was unable to discover any evidence that serious attempts are made by the Government to protect the forests of the public domain from illegal timber cutting and pasturing or to prevent the starting or check the spread of forest fires except in the north end of the Cascade Reserve, in Oregon, where in August it found a single agent of the Interior Department actively and successfully engaged in scattering several large flocks of sheep that had been devastating this reservation for several weeks.

Fire and pasturage chiefly threaten the reserved forest lands of the public domain. In comparison with these the damage which is inflicted on them by illegal timber cutting is insignificant. Timber can only be cut profitably when the operation is conducted on a comparatively large scale; and large operations require roads and sawmills, and consequently the use of capital, and are usually easy to detect and arrest.

The cutting of timber on the unreserved public lands under cover of bad laws or without a pretense of legal sanction causes, as we shall show later, serious losses to the Government, but, so far as we have been able to observe, it does not now seriously menace many of the reserves.

Forest fires.—Fires are particularly destructive to the forests of western North America. These are composed almost exclusively of highly resinous trees, which, when they grow beyond the influence of the moisture-laden air currents from the Pacific Ocean, ignite easily, and, burning fiercely on the surface, are quickly killed, while the flames sweep forward, leaving standing behind them the dead, although unconsumed, trunks to furnish material for later conflagrations and to intensify their heat. The climate, with its unequally distributed rainfall and intensely hot and dry summers and the peculiarly inflammable character of the forests, make forest fires in the West numerous and particularly destructive, and no other part of the country has suffered so seriously from this cause.

Fires in western forests are started by careless or ignorant hunters and campers, who often leave their camp fires burning or, in utter wantonness, ignite coniferous trees to enjoy the excitement of the conflagration. They can be occasionally traced to the effects of lightning, which locally is held responsible for many forest fires, although in reality fires set in this way are rare, as lightning is usually accompanied or followed by copious rains, which extinguish them before they can gain headway; and very rarely they are produced by the rubbing together of adjacent trees swayed by the wind. The right of way of every railroad crossing the Rocky Mountains and the other interior ranges of the continent is marked by broad zones of devastation due to fires which have started from the camps of construction gangs or the sparks of locomotives; and thousands of acres of timber are destroyed annually by the spread of fires lighted by settlers to clear their farms.

Prospectors in search of valuable minerals frequently set fires in wooded regions to uncover the rocks and facilitate their operations; and the shepherds who drive their flocks to pasture during the summer months in the mountain forests of Oregon and California make fires in the autumn to clear the ground and improve the growth of forage plants the following year. No statistics show the area of forests destroyed annually by fires in the Western States and Territories, but nearly every summer their smoke obscures for months the sight of the sun over hundreds of square miles, and last summer your committee, traveling for six weeks through northern Montana, Idaho, and Washington, and through western Washington and Oregon, were almost constantly enveloped in the smoke of forest fires.

Such conflagrations have occurred in the West since it was settled, and they will always menace the prosperity of that part of the country. Once fully under way, a fire in a forest of coniferous trees will spread

until it is extinguished by rain or encounters some natural barrier like a river, or, until driven back over its own course by a change of wind, it expires for want of material. No human agency can stop a Western forest fire when it has once obtained real headway, and the only hope of averting the enormous losses which the country suffers every year from this cause is in preventing fires from starting in the forests or in extinguishing them promptly. They will always occur, but the experience gained in the Yellowstone National Park since it has been patrolled by detachments of the United States Army and in Canada shows conclusively that with the aid of disciplined forest rangers intelligently directed the number of forest fires in any district can be greatly reduced and that it is frequently possible to extinguish small fires if they are energetically attacked when first discovered.

Nomadic sheep husbandry.—Nomadic sheep husbandry has already seriously damaged the mountain forests in those States and Territories where it has been largely practiced. In California and western Oregon great bands of sheep, often owned by foreigners, who are temporary residents of this country, are driven in spring into the high Sierras and Cascade ranges. Feeding as they travel from the valleys at the foot of the mountains to the upper alpine meadows, they carry desolation with them. Every blade of grass, the tender, growing shoots of shrubs, and seedling trees are eaten to the ground. The feet of these "hoofed locusts," crossing and recrossing the faces of steep slopes, tread out the plants sheep do not relish and, loosening the forest floor, produce conditions favorable to floods. Their destruction of the undergrowth of the forest and of the sod of alpine meadows hastens the melting of snow in spring and quickens evaporation.

The pasturage of sheep in mountain forests thus increases the floods of early summer, which carry away rapidly the water that under natural conditions would not reach the rivers until late in the season, when it is most needed for irrigation, and by destroying the seedling trees, on which the permanency of forests depends, prevents natural forest reproduction, and therefore ultimately destroys the forests themselves. In California and Oregon the injury to the public domain by illegal pasturage is usually increased by the methods of the shepherds, who now penetrate to the highest and most inaccessible slopes and alpine meadows wherever a blade of grass can grow, and before returning to the valleys in the autumn start fires to uncover the surface of the ground and stimulate the growth of herbage. Unrestricted pasturing of sheep in the Sierras and southern Cascade forests, by preventing their reproduction and increasing the number of fires, must inevitably so change the flow of streams heading in these mountains that they will become worthless for irrigation.

Other parts of the country have suffered almost as seriously from the nomadic sheep industry. Great flocks are wintered in the sheltered canyons of Snake River, and then, spreading through eastern Oregon,

have destroyed the herbage of the valleys and threatened the forests on its mountain ranges; and sheep raised in eastern Oregon and Washington are driven every summer across Idaho and Wyoming to markets in Nebraska and Dakota, eating bare as they go the pastures of ranchmen and carrying ruin in their path. In every Western State and Territory the nomadic sheep men are dreaded and despised. Year after year, however, they continue their depredations. The actual loss this industry inflicts on the country annually in thousands of acres of burnt timber and in ruined pasture lands is undoubtedly large, although insignificant in comparison with its effects on the future of mountain forests, the flow of streams, and the agricultural possibilities of their valleys.

From a recent statistical abstract of the Treasury Department it appears that there are 5,958,348 sheep in the three States of Washington, Oregon, and California, producing annually about 16,000,000 pounds of wool, net weight, worth now in Eastern markets about $5,000,000. The net profit from this industry in these States must therefore be small, and its commercial importance is certainly insignificant relatively to the injury it inflicts on the country. The Government in permitting free pasturage on the public domain to sheep owners in the public-land States and Territories clearly commits an injustice to persons engaged in this industry in other parts of the country, who are obliged to own or hire their pastures. The pasturage of sheep on the national domain has been so long allowed, however, that the men who benefit by it have come to believe that they have acquired vested rights in the public forests, and their trespass can only be checked by the employment of vigorous measures. That the public domain can be freed from the encroachment of sheep herders has been demonstrated in the Sierra, General Grant, and Yosemite national parks in California, from which small detachments of troops have easily removed them.

Actual condition of the forest reserves.—In all the reserves visited by your committee traces of depredation were visible. These in the Pacific Forest Reserve in Washington were confined to the upper forest belt just below the snow of Mount Rainier, which in summer is much frequented by tourists and campers, who frequently set fire to the resinous fir trees for the pleasure of seeing their lives go out in sudden flashes of flame. This wanton custom, which destroys in a moment trees several hundred years old, has greatly injured the beauty of the foreground of one of the noblest and most impressive pictures in the United States.

The Cascade Range Forest Reserve, which extends from the Columbia River nearly to the southern borders of Oregon, has suffered severely from forest fires, which have destroyed a considerable part of its most valuable timber, and from the pasturage of sheep, which has been excessive, especially on the dry northern and eastern slopes of the mountains. If timber is taken from this reserve, it is only in small quantities and probably only for the use of actual settlers or the owners of small mines.

The Sierra Forest Reserve, which embraces nearly all the Sierra 'evada Range south of the California national parks, is every year ıvaded by sheep, which now reach its highest alpine meadows, the umber having increased since their expulsion from the adjacent ational parks.

In the San Gabriel Timber Land Reserve, in which the forests are articularly useful in their regulation of a scanty water supply, essential ɔr the irrigation of southwestern California, fires are common and estructive. During October of last year about 40 square miles of teep mountain slopes were burned over in this reserve. This fire, after urning during several weeks and inflicting serious injury on the waterheds of the Tejunga, Arroyo Seco, and other torrential streams, was nally extinguished by private enterprise.

The San Bernardino Forest Reserve, which adjoins the San Gabriel 'imber Land Reserve on the south, shows the traces of many large res, and in the south is injured by sheep. The forest reserves of outhern California are in greater danger from fire than those in other arts of the country, owing to the general dryness of this region. They re, moreover, the most important of all the reservations for the supply f water for purposes of irrigation, and will therefore require special rotection, which will probably be needed throughout the year.

In the Grand Canyon Forest Reserve, in Arizona, 2 or 3 square miles t one point near the rim of the canyon and 1 square mile at another ave been fenced in by squatters during the last two years, or since he establishment of this reserve. Timber is cut in considerable quanities for local use, and mining claims are being established on the lopes of the canyon itself. During the summer of 1895 the Howard 'eef Company, of Flagstaff, pastured about 5,000 sheep in this reserve, nd until the fall in the price of beef made the cattle business unprofitble herds of cattle ranged freely through it.

In the White River Plateau Timber Land Reserve, in northwestern 'olorado, a sawmill is manufacturing, from timber cut in the reserve, all he lumber used in the town of Meeker and by the settlers in the upper Vhite River Valley, while another sawmill, located just outside the outhern boundary, is supplied with timber cut within its borders.

The Pikes Peak Timber Land Reserve, the Plum Creek Timber Land 'eserve, and the South Platte Forest Reserve have all suffered terribly rom forest fires, which have exterminated their most valuable timber. 'hat which is left is freely taken by miners and railroad contractors; nd in driving from Colorado Springs to Cripple Creek members of our committee saw many railroad ties cut on reserved land and openly ıiled by contractors along the highroad. In no other part of the ountry visited by your committee are the rights of the Government in ts property more disregarded than in this part of Colorado, and it is vident that these scanty forests must, under existing conditions, soon isappear from all the Colorado reservations.

A study of the forest reserves in their relations to the general development and welfare of the country shows that the segregations of these great bodies of reserved lands can not be withdrawn from all occupation and use and that they must be made to perform their part in the economy of the nation. According to a strict interpretation of the ruling of the Department of the Interior, no one has a right to enter a forest reserve, to cut a single tree from its forests, or to examine its rocks in search of valuable minerals. Forty million acres of land are thus theoretically shut out from all human occupation or enjoyment. Such a condition of things should not continue, for unless the reserved lands of the public domain are made to contribute to the welfare and prosperity of the country they should be thrown open to settlement and the whole system of reserved forests abandoned. Land more valuable for its mineral deposit or for the production of agricultural crops than for its timber should be taken from the reservations and sold to miners and farmers, the mature timber should be cut and sold, settlers within or adjacent to the boundaries, unable to procure it in other ways, should be authorized to take such material from reserved forests as is necessary for their needs, and prospectors should be allowed to search them for minerals.

But it must not be forgotten that the public domain of which these reserves form a part belongs to the people of the whole country, and not to those of any one section. It is right, therefore, that the forest reserves should be managed for the benefit of the people of the whole country, and not for any particular class or section. Steep and elevated mountain slopes should not be cleared of their forests for the sole benefit of the prospector or the miner, because this by its influence on water flow might mean permanent injury to persons living hundreds of miles away. A few foreign sheep owners should not be allowed to exterminate great forests at the expense of the whole country; and prospectors and miners should not be permitted to burn, willfully or carelessly, forests in which all classes of the community are equally interested.

Our examination of the Western forests shows that the existing methods and forces at the disposal of the Interior Department are entirely inadequate to protect the forests of the public domain. Civil employees, often selected for political reasons and retained in office by political favor, insufficiently paid and without security in their tenure of office, have proved unable to cope with the difficulties of forest protection, and the reserves are practically unguarded. Excluded from the provisions of the general land laws and without protection, they invite trespass of every kind and demoralize without benefiting the community. It is evident that if the Government proposes to protect public property in the reserves, and to enforce any laws or regulations which may be enacted for their administration, the assistance of the military must be called in until an organization can be developed in the Interior Department for the protection, management, and improvement

of all reserved Government forest lands; for without such assistance the experience of the past clearly shows that it is idle to hope that fires can be restricted, pasturage abolished, and timber cutting and mining regulated in the reserves; and if this can not be done their forests will sooner or later be ruined and the objects defeated for which they have been established.

PROPOSED SYSTEM OF FOREST ADMINISTRATION.

It has been shown that the preservation and judicious management of the forests on those portions of the public domain which are unsuited for agriculture are of great importance for the flow of rivers needed for the irrigation of arid districts, and to furnish forest products for settlers on adjacent arable lands, and for mining operations. The cheapness of forest products in the United States, and the length of time required to produce crops of timber in the West, will make the investment of the capital of individuals in silvicultural operations, for the present at least, a doubtful enterprise in those States and Territories where the public domain is now principally situated; and silviculture in western North America will only be really successful under sustained Government control and administration; for, dealing with crops which often do not reach maturity until the end of one or two centuries, it can only be made profitable by carrying out, without interruption and under thoroughly trained officers, plans which must often be followed during the lives of several generations of men. This stability and continuity of management can only be secured by a permanent Government administration composed of officers of the highest character, entirely devoted to duty.

Annual taxes on the land of individuals demand annual income; and to avoid or meet this burden of taxation land which should always remain covered with forests is often denuded before the requirements of commerce justify it, or is devoted to uses for which it is ill adapted. Private ownerships, for example, of the redwood-bearing land of the California coast region, the most productive forest land in the world, has resulted in this land, which should remain covered with forest for all time, being rapidly converted into indifferent pasturage. The fee of lands which are most valuable for the production of timber should remain vested in the General Government, and these lands, if they are managed wisely, can be made to supply forest material indefinitely to the agricultural and mining populations of adjacent districts and to improve in productiveness and value.

Ultimate self-support of a Government forest administration is possible in the United States, and it may be expected to yield a permanent income if the national forests are managed with the intelligence, thrift, and honesty which characterize the forest administration in Germany, France, and other European countries. At first, however, the cost of

administration will exceed the receipts, as is almost invariably the case in important economic reforms, but outlays may be expected to diminish in proportion as the administration is faithful, intelligent, and honest.

Temporary measures.—To inaugurate at once a complete system of forest administration would be to attempt more than is wise or feasible at this time; but the necessity of prompt action for the protection of the forest reserves from fire, illegal pasturage, and other depredations is urgent, and efficient temporary police measures are needed immediately. A plan for the temporary care of the forest reserves may be wisely based on the experience gained in the management of the national parks. This clearly shows that it is possible to protect forests in the most exposed and difficult parts of the public domain with small bodies of troops; whereas, before soldiers were detailed to police the Yellowstone National Park, all efforts to manage it by civil officers of the Government had shown the futility of any attempts at control which did not rest on the moral and physical support of the Army.

The collection and confinement of the Indians upon reservations, together with the rapid extension of settlements throughout the arid and semiarid regions of the West, have terminated the state of actual or quasi war which prevailed there less than a quarter of a century ago, and have freed the Army from the burden of active scouting which then consumed its time and energies. Under the new conditions, however, new duties have arisen, which make its presence hardly less important than it was under the old state of affairs. Not only is timber, the property of the nation and essential to supply the wants of farmers and miners, rapidly disappearing in consequence of forest fires, sheep grazing, and pilfering, but wide areas capable of supporting an industrious population are threatened with ruin from the destruction of mountain forests feeding the sources of streams necessary for irrigation. This danger is no less real than Indian massacre was formerly, and the citizens of the West can only look to the Army for immediate and temporary protection from it.

The patrolling and guard duty required will be professional in character, involving marches and practical experience in field service, which will be valuable as a preparation for war; and it is believed that it may be so combined with the usual field instruction now given to troops that it will accomplish not only the forest protection sought for, but also military training. The service will not be onerous, for many of the reserves will need no protection at present, and in others the danger period will not exceed two or three months annually. It is believed that this temporary detail of troops can readily be arranged between the Interior and War Departments in such a way that the objects desired can be accomplished without any detriment, and with many benefits, to the public service; and that the reserved forests can not be efficiently and cheaply guarded at this time in any other way.

Each important forest reserve should be placed at once in charge of an officer of the Army, detailed during the season when forest fires are

to be dreaded, to report to the Secretary of the Interior and to act as superintendent, and he should be supported by sufficient details of soldiers. In or near each forest reservation a United States commissioner should be stationed to deal promptly with all cases rising from violations of forest laws or regulations, and perform the duties of a police justice under a district attorney and the United States court. The authority to make arrests should be conferred upon the forest guards.

The primary object of such temporary management would not be to produce a revenue, but to protect the reserves against fire and depredation. It should be the duty of the superintendents to issue passes to persons desirous of entering or crossing them, and to keep a careful record of the names and residences of all such persons. Sheep should be wholly excluded from the reserves, and cattle should be admitted only in moderate numbers and when the property of actual settlers on adjacent lands.

Permanent forest organization.—The fundamental principle of any Government system of forest management should be the retention of the fee of forest lands, and the sale of forest products from them at reasonable prices, under regulations looking to the perpetual reproduction of the forest. While it is not desirable, perhaps, that the Government in the immediate future should enter into competition with the private owners of forest lands, it is evident that ultimately the sale of forest supplies from the Government timber lands should not only cover all expenses of Government forest management, but produce a steadily increasing income.

Upon officers charged with the administration of the Government forests will devolve the care of immensely valuable public property, its improvement under the best established scientific methods, police responsibility of exceptional delicacy, surveys, the construction of roads and engineering works for the protection of mountain slopes, and the control of numerous agents widely separated and not easily trained to habits of discipline. Many of these duties are essentially military in character, and should be regulated for the present on military principles. Wise forest management calls for technical knowledge which must be based on a liberal scientific education. The forest officers must be men of the highest personal character, who can be trusted to avoid participation in any private business connected however remotely with forest products. To secure the service of men qualified to meet these several requirements will call for liberal remuneration and permanent tenure of office.

The following permanent organization is recommended to meet these demands:

One director of forests, to have charge of a forest bureau in the Department of the Interior. He should be the president of an advisory board consisting of himself, an assistant director, and of four forest inspectors, and should have general charge of all matters relating to the forests on the public domain; he should approve all plans made by

his subordinates for the management of these forests. His staff should consist of a legal adviser well versed in the laws and regulations of the service, and of a disbursing officer to attend to the distribution of funds among the forest officers and to receive and audit their accounts. Such clerks as experience may show to be necessary should be provided.

An assistant director of forests, with authority to sign such letters, papers, and documents, and perform such other duties as may be designated by the director, to act as director in case of the absence of that officer or in case of a vacancy in the office of director. and to be a member of the advisory forest board.

Four inspectors of forests, each to have charge of a forest department and to be a member of the advisory forest board. The permanent stations of these officers should be at the most convenient localities in their departments, but they should assemble in Washington to confer with the director and with each other, and to discuss matters connected with the service. Each should have a legal adviser on his staff and as many clerks as necessary. All papers relating to his department, whether from superiors or inferiors, should pass through the office of the inspector.

The following limits are suggested for the four forest departments:

First department: To include the forest reserves comprised in California and Nevada. At present there are six such reserves, aggregating 6,867,200 acres.

Second department: To include the forest reserves comprised in Oregon and Washington west of the one hundred and twentieth meridian. At present there are six such reserves, aggregating 12,671,360 acres.

Third department: To include the forest reserves comprised in Arizona, New Mexico, Colorado, and Utah. At present there are eight such reserves, aggregating 6,141,440 acres.

Fourth department: To include the forest reserves comprised in Wyoming, South Dakota, Montana, and Idaho, and Washington east of the one hundred and twentieth meridian. At present there are eight such reserves, containing 9,117,440 acres.

Twenty-six head foresters, each to have charge of a forest district not too large for close personal supervision. The area of a district should vary according to locality, rarely comprising less than half a million acres or more than one and a half million acres. The district should form the unit of organization. Its chief should control his subordinates, regulate expenditures, prepare projects for and direct the execution of all public works, and should be responsible for the proper execution of all orders received from higher authority. Persons desiring to purchase forest products should apply to him; and if recommended by himself and approved by his forest inspector, he may make formal contracts, supervise the delivery according to the terms thereof, and duly notify the receiver at the nearest land office, or such other agent

of the Government as may be designated by competent authority to receive funds. In no case should payments be made to officers of the forest service. To the staff of each head forester should be attached a United States commissioner appointed by the judge of the United States court for that locality. This officer should hear all cases arising under violations of forest laws and regulations, and, where necessary, report them to the district attorney for prosecution in the United States court.

Twenty-six foresters to act as assistants, and in case of absence or illness of the head foresters to perform their duties. They should also disburse all Government funds and be responsible for all Government property in use under the forest organization of the district, but under the direction and subject to the approval of the head forester.

The fifty-eight officers designated should constitute a permanent forest corps, holding office for life during good behavior or efficiency, but subject to retirement at the age of 64 years; and their promotion should be by seniorty. They should be appointed by the President and confirmed by the Senate.

Under the temporary organization already suggested, officers of the Army will have had experience in forest administration, and some of the first appointments to the permanent forest corps would naturally be made from those officers who had shown special fitness for forest duty. The officers of the forest corps thus recruited from graduates of the Military Academy at West Point will have had the advantage of the military training required in the forest service and a scientific education well calculated to prepare them to profit by instruction in special forest schools in this country or in Europe. The certainty of future employment, dependent on ability and good behavior, will induce young men of good ability to seek employment in the forest service through this channel.

The disadvantage of being obliged to devote considerable time in the Academy to the study of subjects which have no immediate connection with forestry will be more than compensated for by the character of the education obtained there. There is now no other school in which the Government can train young men so cheaply and efficiently in many branches of knowledge which will be directly advantageous to them as forest officers. Provision, too, must be made for the admission into the forest corps of the graduates of other scientific schools and of universities in which special attention is given to scientific education. The graduates of West Point pass before graduation a severe Government examination. To make sure, however, of obtaining men equally well fitted for their duties from other schools and colleges these should pass a civil-service examination before they receive nominations by the President for appointment in the forest service, but no discrimination should be made against either. To provide at once technical forest education a certain number of graduates of the Mili-

tary Academy who may desire to enter the forest service should be sent for two or three years to one of the great forestry schools of Europe, and when these first officers have been graduated it should be their duty to organize at some convenient place near one of the great reservations a forest school for the instruction of the forest corps and of such civilians as may desire to avail themselves of its privileges.

Provision for the promotion of deserving individuals in the lower grades of the forest corps, to fill 50 per cent of the vacancies in that of officer, should also be made, not only as a reward of merit, but as an additional inducement for educated young men to enter this branch of the public service.

The following organization is recommended for the subordinate grades in the forest service:

Two hundred rangers, to serve under the orders of head foresters. The rangers should have authority to make arrests for violations of forest laws and regulations, and should thus be constituted a sort of national police. They should supervise all work undertaken on the reserves; should see that contracts for forest products are executed according to the terms agreed upon, and in general should act as assistants in the regulation of local affairs. Upon entering the service they should sign articles to serve for a period of five years, and they should be selected under civil-service rules by the head forester, under whom they are to act. Being eligible for promotion in the grades of forester under the conditions above indicated, it is believed that these positions will be sought by young men desirous of entering the service.

Assistant rangers, in such numbers as may be found necessary in the different districts after experience has made known the requirements of the service. They should be employed during the season when the reserves are frequently visited by campers and others and when fires are to be chiefly apprehended, and should be discharged when no longer needed. They should be appointed by head foresters under civil-service rules, and should have authority to make arrests for violations of forest laws and regulations. The routine manual labor of the reserves should devolve upon the assistant rangers.

The following are the rates of annual compensation suggested for forest officers, with an increase of 10 per cent for each period of five years' service: For the director, $4,500; for the assistant director, $4,000; for an inspector, $3,500; for a head forester, $2,500; for a forester, $2,000.

For the subordinate grades a monthly pay of $45 for rangers and of $35 for assistant rangers is proposed, with a gradual increase for length of service. Rations in kind, or a commutation, should also be furnished.

All officers of the service on reaching the age of 64 years should be entitled to receive 50 per cent of their pay at the time of retirement, and a like inducement to faithful service should be extended to rangers after a service of thirty years.

This organization will require for salaries, including those of rangers, for each of the first five years an annual appropriation of $250,000. While the number of officers proposed is much smaller in proportion to the area of the territory to be protected, now about 40,000,000 acres, than has been found necessary in other countries, it is believed to be sufficient for the immediate wants of the service. It is probable, however, that it will have to be enlarged in the future, when increase of population in the Western States and Territories and a greater demand for forest supplies than now exists will make the protection of the reserved forest lands more difficult and will justify more elaborate methods of forest management than now appear necessary, or when now unreserved forest lands of the public domain are controlled by the officers of the forest bureau.

When it is remembered that several million dollars' worth of timber are taken every year from the public domain without the Government being able to obtain any payment for it, it would appear a wise and economical policy to spend annually a few hundred thousand dollars on an organization which would prevent such unnecessary drains on the wealth of the nation. It must be remembered also that an efficient forest administration would be able to prevent many forest fires on the public domain, and that it is not an unusual occurrence for a single fire to destroy material in a few days worth more in actual money than this forest administration would cost in years, while the loss to the country in impaired water flow through forest fires, which might be easily prevented, is incalculable. The expenditure, therefore, of $250,000 a year in furnishing means for protecting the forests on the public domain would appear to be justified by every consideration of common sense and economy.

The example, moreover, of wisely directed national forests may be expected to be a substantial benefit to the private interests of the citizens of the United States, both as object lessons and in the opportunity they would offer for the special training of foresters. Such examples would gradually change the wasteful methods now practiced by individual owners of forest property, and in this way increase national wealth and prosperity. Your committee fully realizes that the organization of such an administrative bureau of civil officers would be a radical departure from the recognized customs of the United States. The nature and extent of the interests at stake, however, and the difficulty, delicacy, and permanency of the duties demand an exceptionally stable service. The experience of all other countries shows that this service can be successfully performed only by highly trained and conscientious officers.

Board of forest lands.—Topographical and economic surveys upon which it would have been possible to establish scientifically the proper boundaries of the reserved lands do not exist, and their limits have been laid down roughly, with the idea that they would be modified as

soon as it was possible to determine accurately what portions were more valuable for the production of minerals and for agriculture and grazing than for their timber growth and that such lands would then be opened to entry and settlement. In all the forest reserves visited by your committee it saw opportunities to improve their boundaries, and found lands which can not be permanently reserved without inflicting serious hardships and losses on the community. Only a small portion of the White River Plateau Timber Land Reserve in Colorado, for example, is forest land, the remainder being covered with grasses and scattered clumps of oak bushes. Such land is, of course, most valuable for pasturage, and its withdrawal from use cripples the important cattle industry of the region. In the Washington Forest Reserve and in the Cascade Forest Reserve are mineral deposits which can not wisely be held from entry, and near the borders of others there are lands more valuable for agriculture or fruit growing than for other purposes.

It is evident that such lands should be taken from the forest reserves as soon as it is practicable to do so; but before this can be done safely those parts of the public domain which have been reserved, or which may be reserved, should be accurately surveyed and carefully mapped. As the United States Geological Survey is the only bureau in the Department of the Interior equipped for this work it can probably most conveniently make these surveys. Their proper interpretation is a matter of the greatest importance, for on the men who undertake it will devolve the duty of establishing the final boundaries of the reserved forest lands of the public domain. Enormous interests are involved in these final decisions, and this work can be intrusted only to men of the highest integrity, intelligence, and public spirit. Efforts will certainly be made to improperly influence their judgment, and they will be subjected to severe temptations. The power to open any part of the reserved lands to settlement is in the hands of the President of the United States, but he will necessarily base his decisions in such matters on the reports and recommendations of the experts who are to study the results of the surveys made under the direction of the Geological Survey.

To provide for this important duty, we recommend that the President be authorized to appoint a commission, to be known as the board of forest lands, to consist of an officer of the Engineer Corps of the Army, a member of the Geological Survey, a member of the Coast Survey, and two persons not connected with the public service, and that it shall be the duty of this board to determine, with the aid of actual surveys and such other examinations as may be found necessary, the boundaries of those parts of the public domain which should be retained permanently by the Government as forests, and that upon its recommendations the President should be authorized to open all other lands to entry and sale. It is believed that the character of this commission can be best

maintained at the highest level by limiting the remuneration of the two members unconnected with Government service to their actual expenses.

In all the forest reserves individuals have acquired more or less perfect title to land, and as they may claim that their rights are interfered with, or the value of their holdings diminished, by the reservation from entry of adjacent lands, opportunity should be given them to exchange on an equitable basis their lands or rights for those of similar character outside the reservations. Several of the forest reserves are within the limits of land grants made to railroad corporations, and it should be possible for the Secretary of the Interior to arrange with these corporations to exchange their holdings within the reservations for similar unreserved lands.

THE UNRESERVED FOREST LANDS OF THE PUBLIC DOMAIN.

The laws now in force under which the timber and timber lands of the public domain are disposed of have proved inadequate and demoralizing in practice; and the repeal or amendment of every one of them has been urged year after year by successive Commissioners of the General Land Office and Secretaries of the Interior, and it is not an exaggeration to say that, inviting fraud and peculation, they have debased the public conscience and deprived the Government of millions of dollars.

The act of June 3, 1878 (20 Stat., 88), known generally as the act to allow the cutting of timber on mineral lands, permits citizens of the United States and other persons, bona fide residents of Colorado, Utah, Nevada, New Mexico, Arizona, Wyoming, North and South Dakota, Idaho, and Montana, and all other mineral districts of the United States, to cut and remove for building, agricultural, mining, and other domestic purposes any trees growing on mineral lands, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and undergrowth on such lands. This act, which was loosely and unskillfully drawn and abounds in indefinite phrases, has been subject to such varying and conflicting decisions, both official and judicial, as to the true construction to be placed on the expression "mineral lands" that it practically gives away all the timber in regions in which any mineral lands are situated, and has been fitly described as the greatest gift ever made by Congress.

It has been construed to authorize the free and unlimited cutting of timber on any reputed mineral lands without supervision or restraint, beyond the ruling of the Secretary of the Interior that no trees less than 8 inches in diameter can be felled and that no timber taken under its provisions can be exported out of the State or Territory where it is cut. Allowing settlers and miners to provide economically for their actual wants, it has without doubt stimulated a wasteful consumption of

timber beyond actual needs and has led to wanton destruction. Little attention has been paid to the regulations of the Secretary, and all land in mineral districts has been held by owners of sawmills, mines, and traffic lines, without survey or examination, to be mineral land and therefore subject to it provisions. Under this act companies employing large forces of men have been formed to cut and remove the timber from so-called mineral lands and ship it to their mills; lumber dealers, mill owners, and railroad contractors have cut timber under its provisions for commercial purposes, and lumber cut on lands held to be mineral by the men who plunder the public domain under the protection of this act has been sent by rail to cities in distant States.

Individual avarice and corporate greed have vied in accepting this bounty offered to them by the Government, and the most valuable timber accessible to railroads has already been cut from all reputed mineral lands. A conspicuous and notorious example of what this act has accomplished is seen in South Dakota, where the forested lands among the Black Hills, although only a small part of them have been surveyed, have been held by the mining companies of the region to be mineral lands; and for years these companies, under the provisions of this act, have consumed large quantities of timber and firewood without being subjected to any charge. In this region, which affords a fair example of what is going on in other mineral regions, no attention has been paid to the regulations of the Secretary of the Interior, under which timber less than 8 inches in diameter can not be cut; and there is now pending a suit in the United States court by the United States against the Homestake Mining Company for timber cut before 1891 under 8 inches in diameter, amounting to about $688,000. Special agents of the General Land Office several years ago estimated that the value of the timber cut at that time by this company amounted to between $2,000,000 and $3,000,000, but owing to ignorance as to the nature of the land and uncertainties of the law no suit has been brought to recover the value of any part of it cut from trees above 8 inches in diameter.

This company has built and operates a railroad nearly 40 miles long into the public domain for the purpose of bringing timber and fuel to its mines from land which has not yet been shown to be mineral, and is destroying the forest as far back from this line of railroad as timber can be easily and profitably moved. It is a matter of common report that millions of feet of lumber cut on the public domain in the Black Hills under the authority of this act have also been shipped by rail and sold in Omaha, although the Government has received no compensation whatever from the companies carrying on these operations. To this act can also be traced the destruction of immense forests in Colorado, Nevada, Arizona, and Montana, and whenever it can be made applicable the evil results which have followed its passage are plainly visible.

The act of March 3, 1891 (26 Stat., 1093), permits residents in the States of Colorado, Montana, Idaho, North Dakota, South Dakota, Wyoming, Nevada, Alaska, and Utah to take timber from nonmineral

public lands therein under rules and regulations prescribed by the Secretary of the Interior, and the act of February 13, 1893 (27 Stat., 444), extends the provisions of this act to Arizona and New Mexico. Under the provisions of these acts the Secretary of the Interior is authorized to issue permits to cut timber on unreserved nonmineral lands, but it provides for no compensation for the Government in return for these privileges. The intention of the act was doubtless to enable actual settlers to obtain legally from nonmineral lands necessary forest supplies for their own immediate use. In reality it has been taken advantage of by rich and powerful corporations, who, securing permits without difficulty to cut timber for commercial purposes, prevent as far as possible agricultural settlers and the owners of mining claims from obtaining them, and, in this way preventing competition, control the market for the timber which the Government presents to them.

The largest and wealthiest mining corporation in Montana is now supplied with timber cut principally under the provisions of this act, and lumber manufactured from trees cut under its authority is sent by it to many parts of that State. The bounds of the lands on which authority to cut timber under this act is given are never clearly marked, and there are reasons for believing that little attention is paid to them in actual practice. The act and its working has favored wealthy corporations able to pay the Government for all the timber they require. It is unjust in its discrimination against the residents of those States and Territories which are not included in its provisions and in its gifts to the competitors of individuals and firms who have acquired timber by the purchase of lands under the timber and stone act of June 3, 1878, or otherwise.

The act of June 3, 1878 (20 Stats., 89), known generally as the timber and stone act, authorizes the sale of unreserved surveyed but unoccupied timber lands in California, Nevada, Oregon, and Washington in quantities not exceeding 160 acres to one person or association of persons at $2.50 an acre, and by the act of August 4, 1892 (27 Stats., 348), the provisions of this act are extended to embrace all the public-land States. Under the workings of these acts great bodies of valuable timber lands speedily passed into the hands of individuals and of corporations and syndicates, domestic and foreign, for purposes of speculation, the Government obtaining only a small percentage of the actual value of the standing timber. It has been made use of by corporations and wealthy individuals to secure fraudulently, for the purpose of manufacturing lumber, or to hold for speculative purposes, most of the valuable redwood lands of the California coast region and great bodies of the sequoia and sugar pine forests of the Sierra Nevada, and much of the best timber land on Puget Sound has also been taken from the national domain under authority of this act.

Some of the most valuable timber land in the world has thus been acquired at mere nominal prices through the medium of dummy entries, for it is a notorious fact that the greater part of the entries under this

act have been made in the names of poor and ignorant people who have never seen the lands and who, immediately after the issuance of the final certificates, have transferred their claims to corporations or individuals dealing in lumber or timber lands; and it has been shown that at one time in California regular agents employed by lumbermen were authorized to offer men $50 apiece to make entries of land covered with redwood timber and deed them to their employers. Similar frauds have been practiced in Oregon and Washington, and in other States, since the extension of the law. This act has robbed the Government of the United States of its most valuable timber land, worth at market prices many millions of dollars, for which it has received no adequate return, and has demoralized and degraded whole communities.

By the act of March 3, 1875 (18 Stats., 482), right of way through the public lands of the United States is granted to any railroad company which had filed with the Secretary of the Interior due proof of its organization, etc., and also the right to take, from lands adjacent to the line of the road, timber necessary for its construction. Such loose and ambiguous terms as "adjacent lands" and "construction purposes" used in this act have served as a cover for illegal speculation in public timber and have fostered its unlicensed waste and destruction.

Under the provisions of this act large quantities of timber from the public domain have been cut and removed for export and sale. Corporations have been formed in which the railroads were the principal owners for monopolizing the timber traffic in the northern Rocky Mountains, and these corporations have cut timber from unsurveyed public lands far from the right of way of any railroad and have shipped the product to distant markets. Millions of feet of public timber have been unlawfully appropriated under this act, the elastic term "adjacent to the line of railroad" having been held to extend to any distance where timber could be found, and the term "construction purposes" to apply not only to the roadbed, but to station houses, depots, snowsheds, and even to rolling stock.

The attempts made by the Department of the Interior and the courts to properly construe the terms "adjacent" and "construction" have resulted in conflicting rulings, and the question is still undecided whether "adjacent" timber lands means 1 or 100 miles from the road, whether it lies laterally from the line of the road or from its terminus, or whether it means land conveniently accessible by railways or waterways, while the term "construction" is held by some authorities to apply only to the roadbed proper and the first laying of the tracks, and by others to extend also to subsequent changes of gauge and to the construction of bridges, snowsheds, stations, and freight houses. The timber taken from the public domain for railroad purposes under the provisions of this act has resulted in an enormous waste and the unnecessary devastation of forests along water courses and the head waters of streams which should have been preserved for the general good of the public. While it may have been necessary when the first trans-

continental railroads were built to permit them to take timber from the public domain for actual purposes of construction, there is no longer any reason why privileges of this sort should be granted to corporations in one part of the country and not in others, or why any corporation which may desire in the future to build new railroads or extend existing lines in the public-land States should not buy and pay for the timber it may require for construction.

The act of June 8, 1872 (17 Stat. L., 339), allows the Denver and Rio Grande Railroad Company to take timber without supervision or control from the public domain for the repairs of its line. This is an unjust discrimination in favor of this particular road, granting it privileges which are not enjoyed by any other railroad in the United States and permitting it a continuous use of public timber practically for all time. It is clearly unjust that this valuable privilege should be granted to one particular road while corporations controlling competing lines of railroad are obliged to pay for the timber needed to keep their roads in repair; and this act is peculiarly dangerous because the country tributary to the Denver and Rio Grande Railroad was never well timbered and has suffered more than most other parts of the United States from forest fires and injudicious cutting.

The United States has proved its inability to enforce the rules and regulations established from time to time by the Secretary of the Interior to protect its interests in its own timber lands; and attempts made to recover the value of timber unlawfully cut from the public domain have failed through the ambiguity and defectiveness of the various acts under which it was hoped that actual settlers might secure forest supplies, and because the sentiment of a majority of the people in the public-land States with regard to the public domain, which they consider the exclusive property of the people of those States and Territories, does not sustain the Government in its efforts to protect its own property, juries, when rare indictments can be obtained, almost invariably failing to convict depredators. This is shown by the following table, compiled from the records in the General Land Office, and covering the last eleven years:

Year.	Timber and lumber illegally taken from the public domain.	Amounts sued for.	Amounts recovered by suits.	Amounts recovered by compromise.
	Feet B. M.			
1886	1,245,250,000	$5,774,272.84	$77,933.35	$23,152.96
1887	1,029,100,000	2,082,236.72	112,952.87	15,689.22
1888	861,800,173	3,795,620.99	102,823.92	25,698.72
1889	3,359,525,410	12,113,326.26	161,347.80	20,538.41
1890	2,109,392,000	359,583.63	83,420.50	17,244.82
1891	1,425,876,209	954,874.20	62,402.47	53,863.03
1892	195,751,300	440,463.41	35,010.93	49,539.48
1893	47,708,000	27,290.63	43,049.42	11,503.24
1894	760,160,400	15,322.47	21,290.56	2,230.87
1895	158,801,965	344,683.44	81,081.36	16,698.70
1896	227,241,775	325,471.23	140,452.73	42,247.18
Total	11,420,607,202	26,233,145.82	871,765.91	278,406.63

In this table amounts sued for and amounts recovered do not represent the trespass cases reported in the same year, the damages being recovered from cases previously reported. The amounts sued for represent only the values of timber in those cases in which sufficient evidence was found upon which legal proceedings could be based with any hope of success. Many cases are investigated and reported to the General Land Office in which undoubtedly trespasses have been committed, although it is found difficult to secure sufficient evidence to justify the institution of suits.

The amounts sued for in the above table represent the market values of the timber in the condition and position where it was found. The following table shows the stumpage value of timber trespass reported by special agents to the General Land Office during the fiscal years 1886 to 1896, inclusive:

1886	$1,726,516.89	1893	$44,383.71
1887	965,576.04	1894	360,893.78
1888	840,145.15	1895	169,317.32
1889	1,182,987.14	1896	140,210.28
1890	832,420.48		
1891	349,440.62	Total	6,836,900.51
1892	225,009.10		

Or an average yearly value of $621,536.41.

It has long been apparent to all disinterested persons familiar with the working of the land laws of the United States that the acts which we have described should be repealed, and unless this is done it is evidently only a matter of a comparatively short time when all the valuable timber will have been destroyed on the unreserved public lands or will have passed into the hands of individuals. Unless, therefore, the Government is prepared to abandon control of the water supply of many streams needed for irrigation and to see the whole of its unreserved territory west of the one hundredth meridian stripped of its valuable timber and agricultural and mining interests crippled, it must contemplate the adoption of some policy like that which, after a fair trial, has proved successful and profitable in Canada, and under which all public lands in the Western States and Territories more valuable for their forests than for agriculture or the production of minerals can be reserved to protect the flow of rivers and to produce timber to supply the needs of agriculture and mining and the demands of commerce.

This can be accomplished by withdrawing now from sale and entry all public lands more valuable as timber lands than for other purposes through the repeal of the various acts under which timber and timber lands can be acquired by individuals and corporations. Such reserved lands should then be surveyed as rapidly as possible, in order that their true character can be accurately defined, and such parts of them as may be found less valuable as forest lands than for other purposes opened to sale and entry, while the remainder should be held permanently by the General Government and administered by a competent forest bureau for the benefit of the people in the whole country. A

scheme for the withdrawal of the forest lands of the public domain from sale, for their survey, and for their administration in such a manner that actual settlers, prospectors, and the owners of mining claims may obtain free and abundant supplies of timber for their actual needs, and that commerce may be supplied with forest products, will be found in the draft of the bill marked No. 3 attached to this report. Its passage, if these forest lands are wisely administered, will insure the permanency of many waterways in the arid States and Territories; it will enable agricultural settlers and the owners of mining claims to obtain under protection of the law such forest supplies as they may actually need for their personal use; and it will compel great corporations controlling mines, traffic lines, and sawmills to buy from the Government at public auction, in such quantities as they may require, the timber which they now take under one pretext or another and generally without payment.

ADDITIONAL NATIONAL PARKS.

Parts of two forest reserves contain features of supreme natural beauty, and can best be preserved for the enjoyment and instruction of the world by creating them national parks and governing them under the rules and regulations which have proved successful in protecting the Yellowstone National Park. The first of these is the upper slopes of Mount Ranier, in Washington, with its glaciers, its alpine meadows clothed with flowers, and the fringe of forest which maintains a precarious foothold on the steep ridges below the line of its perpetual snows. This mountain is one of the highest and most beautiful in North America, and outside of Alaska its glaciers are unrivaled in magnitude and interest in the United States. Memorials have been presented to Congress by the American Association for the Advancement of Science, the Geological Society of America, the Sierra Club, and the Apalachian Mountain Club favoring the establishment of this national park, and an act setting aside certain lands for it was passed by the Fifty-fourth Congress at its second session; but the bill, by extending to it the mineral-land laws, might have destroyed its scenic value, and it did not receive Executive sanction.

The second spot which we believe should be made into a national park is that portion of the Grand Canyon Reserve in Arizona which is immediately adjacent to and includes the walls of the canyon itself. These two localities, Mount Ranier in Washington and the Grand Canyon of the Colorado in Arizona, are each in its particular way unsurpassed in interest. Their natural wonders should be preserved without further defacement than is necessary to make them easily accessible to the people; and unless mining is prohibited in their immediate neighborhood, and unless they can be strictly guarded against fires, their scenic value will be seriously impaired. As this protection can only be secured by the adoption of the rules and regulations similar to those which govern the national parks, we recommend the establishment of a Ranier national park and a Grand Canyon national park.

CONCLUSIONS AND RECOMMENDATIONS.

The Secretary of the Interior, in his letter of February 15, 1896, asked the Academy whether "it is desirable and practicable to preserve from fire and to maintain permanently as forest lands those portions of the public domain now bearing wood growth for the supply of timber."

Your committee is of the opinion that it is not only desirable but essential to national welfare to protect the forested lands of the public domain, for their influence on the flow of streams and to supply timber and other forest products; and that it is practicable to reduce the number and restrict the ravages of forest fires in the Western States and Territories, provided details from the Army of the United States are used for this purpose permanently, or until a body of trained forest guards or rangers can be organized. It does not believe that it is practicable or possible to protect the forests on the public domain from fire and pillage with the present methods and machinery of the Government.

In answer to the second question submitted by the Secretary of the Interior, "How far does the influence of forests upon climate, soil, and water conditions make desirable a policy of forest conservation in regions where the public domain is principally situated?" It is the opinion of your committee that, while forests probably do not increase the precipitation of moisture in any broad and general way, they are necessary to prevent destructive spring floods, and corresponding periods of low water in summer and autumn when the agriculture of a large part of Western North America is dependent upon irrigation.

The answer to the third question, "What specific legislation should be enacted to remedy the evils now confessedly existing?" will be found in the series of proposed bills appended to this report. They present the following recommendations:

(1) That the Secretary of War, upon the request of the Secretary of the Interior, shall be authorized and directed to make the necessary details of troops to protect the forests, timber, and undergrowth on the public reservations, and in the national parks not otherwise protected under existing laws, until a permanent forest bureau in the Department of the Interior has been authorized and thoroughly organized. (See bill No. 1.)

(2) That the Secretary of the Interior shall be authorized and directed to issue the necessary rules and regulations for the protection, growth, and improvement of the forests on the forest reserves of the United States; for the sale from them of timber, firewood, and fencing to actual settlers on and adjacent to such reserves, and to the owners of mines legally located in them for use in such mines; for allowing actual settlers who have no timber on their own claims to take from the reserves firewood, posts, poles, and fencing material necessary for their immediate personal use; for allowing the public to enter and cross the reserves; for granting to county commissioners rights of way for wagon

roads in and across the reserves; for granting rights of way for irrigating ditches, flumes, and pipes, and for reservoir sites; and for permitting prospectors to enter the reserves in search of valuable minerals; for opening the reserves to the location of mining claims under the general mineral laws; and for allowing the owners of unperfected claims or patents, and the land-grant railroads with lands located in the reserves, to exchange them under equitable conditions for unreserved lands. (See bill No. 2, secs. 2–4.)

(3) That a bureau of public forests shall be established in the Department of the Interior, composed of officers specially selected with reference to their character and attainments, holding office during efficiency and good behavior and liberally paid and pensioned. (See bill No. 2, secs. 5–11.)

(4) That a board of forest lands shall be appointed by the President to determine from actual topographical surveys to be made by the Director of the Geological Survey what portions of the public domain should be reserved permanently as forest lands and what portions, being more valuable for agriculture or mining, should be open to sale and settlement. (See bill No. 2, sec. 15, and bill No. 3, sec. 6.)

(5) That all public lands of the United States more valuable for the production of timber than for agriculture or mining shall be withdrawn from sale, settlement, and other disposition and held for the growth and sale of timber. (See bill No. 3.)

(6) That certain portions of the Rainier Forest Reserve in Washington and of the Grand Canyon Forest Reserve in Arizona shall be set aside and governed as national parks. (See bills Nos. 4 and 5.)

Yours, respectfully,

CHARLES S. SARGENT.
HENRY L. ABBOT.
A. AGASSIZ.
WM. H. BREWER.
ARNOLD HAGUE.
GIFFORD PINCHOT.
WOLCOTT GIBBS.

To the PRESIDENT OF THE NATIONAL ACADEMY OF SCIENCES.

APPENDIX A.

No. 1.

A BILL for the temporary protection of the public forest reserves and national parks of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That until a bureau of forests in the Department of the Interior has been authorized by Congress and duly organized for the protection of the public forest reserves, the Secretary of War, upon the request of the Secretary of the Interior, is hereby authorized and directed to make the necessary details of troops to protect the forests, timber and undergrowth, and natural curiosities in the public forest reserves and the national parks not otherwise protected under existing law, and to enforce the rules and regulations prescribed by the Secretary of the Interior for the protection of such reserves and parks, which he is hereby authorized to make and promulgate and which shall have the force and effect of law.

SEC. 2. That it shall be the duty of the troops detailed for service under the provisions of this act, and of any officer or employee of the United States, to arrest any person found violating any of the rules and regulations prescribed by the Secretary of the Interior hereunder, and take such person before the nearest United States commissioner, within whose jurisdiction the reserve or park is located, for trial. And upon sworn information by any competent person, any United States commissioner, in the proper jurisdiction, shall issue process for the arrest of any person charged with the violation of the rules and regulations made under the provisions of this act. But nothing herein contained shall be construed as preventing the arrest by any officer of the Government, without process, of any person taken in the act of violating any regulation of the Secretary of the Interior made in pursuance of this act.

SEC. 3. That it shall also be the duty of the troops detailed for service under the provisions of this act to prevent, as far as possible, the lighting and spread of forest fires in said reserves and parks.

No. 2.

A BILL to protect and administer public forest reserves.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the objects for which public forest reserves shall be established under the provisions of the act approved March third, eighteen hundred and ninety-one, shall be to protect and improve the forests for the purpose of securing a permanent supply of timber for the people and insuring conditions favorable to continuous water flow. And all such forest reserves shall be controlled and administered in accordance with the provisions of this act and the rules and regulations prescribed hereunder; and all acts and parts of acts inconsistent with the provisions of this act and the rules and regulations prescribed hereunder are hereby repealed.

SEC. 2. That the Secretary of the Interior is hereby authorized and directed to issue all necessary rules and regulations for the protection, growth, and improvement of the forests on the forest reserves of the United States; for the sale therefrom of timber, firewood, and fencing to actual settlers on and adjacent to such reserves, and to owners of mines legally located therein for use in such mines; for granting permits to sawmill owners to enter the reserves for the purpose of manufacturing such lumber as may be sold to them for the use of actual settlers in and adjacent to the reserves and to owners of mines located therein: *Provided*, That authority may be given to actual settlers who have no timber on their own claim to take from the reserves firewood, posts, poles, and fencing material necessary for their immediate personal use; for allowing the public to enter and cross the reserves; for granting to country commissioners rights of way for wagon roads in and across the reserves; for granting rights of way for irrigating ditches, flumes, and pipes, and for reservoir sites, under the terms of existing laws; and for permitting prospectors to enter the reserves to search for valuable minerals.

SEC. 3. That the forest reserves shall be open to the location of mining claims under the general mineral laws, and the owners of valid mining locations made and held in good faith are hereby authorized and permitted to fell and remove from such mining claims any timber growing thereon for actual mining purposes in connection with the particular claim from which the timber is felled and removed.

SEC. 4. That in cases in which land covered by unperfected bona fide claims, or by patents, are included within the limits of public forest reserves, the settlers or owners thereof may, if they so desire, relinquish the same to the Government, and may select in lieu thereof tracts of vacant land open to settlement, not exceeding in area the tracts covered by their claims or patents; and no charge shall be made in such cases for making the entries of record or issuing the patents to cover the tracts selected: *Provided*, That in cases of unperfected claims, the requirements of the laws respecting settlement, residence, improvements, etc., are complied with on the new claims, credit being allowed for the time spent on the relinquished claims. And the Secretary of the Interior is hereby authorized and directed to enter into negotiations with the land-grant railroad companies for the purpose of concluding agreements whereby said companies may relinquish to the United States title acquired by them to lands within their granted and indemnity limits, where such lands lie within the boundaries of forest reserves, accepting other unappropriated public lands in lieu thereof from the even-numbered sections within their granted and indemnity limits not embraced in forest reserves.

SEC. 5. That there shall be, and is hereby, established in the Department of the Interior a bureau of public forests. That such bureau shall consist of a director, an assistant director, a law clerk, a disbursing clerk, a chief clerk, and such clerical assistance as may be necessary, four inspectors, twenty-six head foresters, twenty-six assistant foresters, two hundred rangers, and such assistant rangers or temporary field force as may be found necessary at different seasons of the year.

SEC. 6. That the director shall have general charge of all matters relating to forests on the public domain, and shall be the president of an advisory forest board consisting of himself, the assistant director, and the four forest inspectors, and shall prepare and submit to the Secretary of the Interior for his approval such plans for the management of the public forests as may appear necessary, and shall be charged with the execution of the same. The assistant director shall be authorized to sign such letters, papers, and documents, and to perform such other duties as may be designated by the director, and shall act as director in the absence of that officer or in case of a vacancy in the office of director. The disbursing officer shall furnish a sufficient and satisfactory bond, and shall audit all accounts of the bureau, disburse all moneys in connection therewith, and shall report to the Secretary of the Treasury the amounts derived from the disposition of public timber. The forest reserves shall be divided into four divisions, each in charge of a forest inspector, under the

supervision of the director, whose stations shall be at the most convenient localities in their respective divisions, but they are to assemble in Washington when necessary as members of the advisory forest board. Each forest division shall be subdivided into such a number of districts as may most satisfactorily permit an efficient management, each district to be in charge of a head forester, under the control of an inspector. In the absence of an inspector, the director may designate a head forester of that division to act as inspector. There shall be an assistant forester for each district, who shall perform such duties as the head forester may direct, and in his absence act in his place, and who may also act as disbursing agent for his district. The head foresters may enter into contracts for the sale of public timber, subject to the approval of their superior officers, supervise the execution of the terms thereof, and notify the proper receiver of public moneys of the sums to be received. The head foresters shall also superintend the work of their assistants, rangers, and other subordinates in the execution of the laws and rules and regulations relating to the reservations, and shall approve all accounts and expenditures of their subordinates.

SEC. 7. That the director of the bureau of public forests, the assistant director, the inspectors, head foresters, and assistant foresters shall constitute a permanent forest corps, holding office during efficiency and good behavior, but subject to retirement at the age of sixty-four years, promotion to be governed by seniority of service; and they shall be appointed by the President, by and with the advice and consent of the Senate, as rapidly as men with the necessary education can be obtained.

SEC. 8. That officers of the forest corps shall be taken from graduates of the United States Military Academy or from graduates of other scientific schools, or universities having scientific courses, civilians first passing examinations satisfactory to the Civil Service Commission, but no discrimination being made between them; and the successful applicant shall be certified by the director of the bureau of public forests to the Secretary of the Interior for appointment by the President. Not less than four graduates of the United States Military Academy shall be sent abroad for instruction in forestry; and it shall be the duty of the Secretary of the Interior, on their return, to organize a school of forestry, in or near one of the great forest reserves, to which newly appointed officers of the forest corps shall be sent for instruction, and which may be open to civilians under such regulations as the Secretary of the Interior may prescribe: *Provided*, That one-half of the vacancies in the forest corps may be filled by the promotion, after satisfactory examination, of deserving men in the grade of ranger.

SEC. 9. That rangers shall be appointed, under civil-service rules, by the head forester under whom they are to act, and upon entering the service shall sign articles to serve for a period of five years. Assistant rangers or temporary field force may be employed by head foresters, as authorized by the director, for such periods as the exigences of the service may require.

SEC. 10. That the appointment of officers and employees not otherwise provided for in this act shall be made by the Secretary of the Interior under civil-service rules.

SEC. 11. That the forest corps shall receive the following annual compensation, with an increase of ten per centum for each period of five years' service: For the director, four thousand five hundred dollars; for the assistant director, four thousand dollars; for inspectors, three thousand five hundred dollars each; for head foresters, two thousand five hundred dollars each; for assistant foresters, two thousand dollars each: *Provided*, That on retirement said officers shall be entitled during the remainder of their lives to fifty per centum of the pay received by them at date of retirement. For the subordinate grades: For rangers, forty-five dollars per month, with an increase of ten per centum for each five years' service, and subsistence; for assistant rangers, at the rate of thirty dollars per month for the time actually employed, and subsistence.

SEC. 12. That all officers and employees of the bureau of public forests shall have authority to make arrests for the violation of the laws and regulations relating to the forest reserves, and any person so arrested shall be taken before the nearest United States commissioner, within whose jurisdiction the reservation is located, for trial. And upon sworn information by any competent person, any United States commissioner in the proper jurisdiction shall issue process for the arrest of any person charged with the violation of said laws and regulations; but nothing herein contained shall be construed as preventing the arrest by any officer of the United States without process of any person taken in the act of violating said laws and regulations.

SEC. 13. That every person who, either directly or indirectly, unlawfully appropriates, removes, cuts, injures, wastes, or causes the destruction, by fire, grazing, or herding of sheep or other live stock, or in any other manner whatsoever, of the timber, herbage, or other natural resources, or of the natural wonders or curiosities, or of any other public property whatsoever on or within any public lands embraced within such forest reserves shall, upon conviction, for every such offence be fined in a sum of not less than fifty dollars nor more than one thousand dollars, or shall be imprisoned not exceeding twelve months, or shall suffer both fine and imprisonment, in the discretion of the court; that in addition to the criminal proceedings herein provided, the United States shall be entitled to recover in civil suit the value of all property so unlawfully appropriated, injured, wasted, or destroyed, and shall also be entitled to recover in such cases nominal or exemplary damages. It is further provided that the United States should be entitled to the injunction of waste by way of prevention of trespass upon public property within such forest reservations.

SEC. 14. That every person who breaks into the close and unlawfully occupies, for any purpose whatsoever, public lands within such forest reservations shall be subject to ejectment and, upon conviction, shall for every such offence be fined in a sum not exceeding one thousand dollars, or shall be imprisoned not exceeding twelve months, or shall suffer both fine and imprisonment, in the discretion of the court.

SEC. 15. That the Secretary of the Interior shall cause the director of the Geological Survey to make topographical surveys of the forest lands set apart by Executive proclamation under section twenty-four of the act of Congress approved March third, eighteen hundred and ninety-one, and of such other forest lands as may be reserved from sale and entry under the authority of this act or any subsequent act of Congress: *And it is provided*, That there shall be appointed by the President a board which shall be designated the board of forest lands, consisting of one officer of the Corps of Engineers of the United States Army, one member of the United States Geological Survey, one member of the United States Coast Survey, and two persons not connected with the Government service: *And it is further provided*, That the members of the board of forest lands shall serve for five years, and that they shall be eligible for reappointment in the case that the duties for which this board is created are not completed at the expiration of their term of service: *And it is further provided*, That it shall be the duty of said board of forest lands to determine from the results of said surveys, and such other information as may be available, as rapidly as possible what reserved lands are more valuable for agriculture than for the production of timber, in order that such lands may be opened for settlement and entry by Executive proclamation. For the purpose of commencing and prosecuting this survey, there is hereby appropriated the sum of five hundred thousand dollars; and the Secretary of the Interior is hereby authorized to make such allotment from this sum as he may deem necessary to meet the expenses of said board of forest lands as herein provided: *And it is further provided*, That the members of the board of forest lands herein established shall be allowed a per diem in lieu of subsistence at a rate to be determined by the Secretary of the Interior, and that they shall be allowed actual necessary expenses for transportation.

No. 3.

A BILL for the management of the unreserved public timber lands and for the sale of the timber thereon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all public lands more valuable for the production of timber than for agriculture are hereby withdrawn from sale, settlement, and other disposition and shall be held for the growth and sale of the timber thereon.

SEC. 2. That until a survey of the public timber lands has been made and completed as provided for in section six a special affidavit shall be required in all cases where lands are disposed of under the homestead and other land laws, and in cases of indemnity selections, showing that the lands so entered or selected are more valuable for agriculture than for the production of timber: *Provided,* That such special affidavit shall not be required in cases of mineral location and entry; and that owners of valid mining locations made and held in good faith under the mining laws of the United States and the regulations thereunder are hereby authorized and permitted to fell and remove from such mining claims any timber growing thereon for actual mining purposes in connection with the particular claim from which the timber is felled or removed.

SEC. 3. That miners, prospectors, agriculturists, and other bona fide settlers, who have not a sufficient supply of timber on their own claims or lands for firewood, fencing, or building purposes, or for necessary use in developing the mineral and other natural resources of the lands owned or occupied by them, may be permitted, under regulations which the Secretary of the Interior shall prescribe, to procure timber from the public lands strictly for their individual use on their own claims or lands for the purposes enumerated in this section, but not for sale or disposal or use on other lands or by other persons; and the terms "miners," "prospectors," "agriculturists," and "other bona fide settlers," as herein used, shall be confined to apply strictly to individuals, and nothing herein shall be construed to extend the meaning of said terms to firms, companies, or corporations engaged in the wood or lumber business or in operating mines or claims.

SEC. 4. That the Secretary of the Interior is hereby authorized to sell timber from unreserved public lands, under such regulations as he may prescribe, and in such quantities as the demands of commerce and settlers may require: *Provided,* That the removal of such timber will not injuriously affect the water flow or other public interests: *Provided further,* That the value of the timber to be thus disposed of shall first be estimated and the timber thereafter be sold at public auction for not less than the appraised valuation: *Provided further,* That no sale shall take place until after notice thereof has been published for thirty days in at least two newspapers of general circulation in the State or Territory where the timber is growing, and that the timber so sold shall be removed within twelve months from date of sale, but that no part thereof shall be cut or removed until payment in full therefor has been made and receipt for such payment has been issued by the proper receiver of public moneys.

SEC. 5. That when a bureau of public forests is established in the Department of the Interior these lands shall be administered by such bureau in the same manner as the forest reserves.

SEC. 6. That the Secretary of the Interior shall cause the Director of the Geological Survey to make topographical surveys of the forest lands reserved for sale and entry under this act: *And it is provided,* That there shall be appointed by the President a board which shall be designated the board of forest lands, consisting of one officer of the Corps of Engineers, United States Army, one member of the United States Geological Survey, one member of the United States Coast Survey, and two persons not connected with the Government service: *And it is further provided,* That the members of the board of forest lands shall serve for five years, and that they shall be eligible for reappointment in case that the duties for which this board is

created are not completed at the expiration of their term of service: *And it is further provided,* That it shall be the duty of said board of forest lands to determine from the results of said surveys and other information as rapidly as possible what lands on the public domain are more valuable for agriculture than for forest uses, in order that such lands may be opened for settlement and entry by Executive proclamation. For the purpose of commencing and prosecuting this survey there is hereby appropriated the sum of five hundred thousand dollars, and the Secretary of the Interior is hereby authorized to make such an allotment from this sum as he may deem necessary to meet the expenses of said board of forest lands as herein provided: *And it is further provided,* That the members of the board of forest lands herein established shall be allowed a per diem in lieu of subsistence at a rate to be determined by the Secretary of the Interior, and that they shall be allowed actual necessary expenses for transportation.

SEC. 7. That all acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

No. 4.

A BILL to set apart certain lands in the State of Washington as a public park, to be known as the Mount Ranier National Park.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby reserved, dedicated, and set apart as a public park, to be known and designated as the Mount Ranier National Park, for the benefit and enjoyment of the people, all that tract of land lying and being situate in the State of Washington, embraced within the following boundaries, to wit: Beginning at the southwest corner of township nineteen north, range seven east, Willamette base and meridian, Washington; thence easterly along the surveyed and unsurveyed township line between townships eighteen and nineteen north, to its point of intersection with the crest of the Cascade Range; thence in a southerly direction along the crest of said range of mountains to the Cowlitz Pass; thence down the right bank of the principal stream flowing from the Cowlitz Pass to its confluence with the Cowlitz River; thence down the middle of the channel of the Cowlitz River to the point where it will be intersected by the unsurveyed township line between townships twelve and thirteen north; thence westerly along said unsurveyed township line to the point for the southwest corner of township thirteen north, range seven east; thence northerly along the unsurveyed and surveyed range line between ranges six and seven east, subject to the proper offsets on the fourth standard parallel north, and on the township line between townships seventeen and eighteen north to the southwest corner of township nineteen north, range seven east, the place of beginning. And all persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereafter provided, shall be considered trespassers and be removed therefrom.

SEC. 2. That said public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to make and publish, as soon as practicable, such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes, for terms not exceeding twenty-five years, of small parcels of ground at such places in said park as shall require the erection of buildings for the accommodation of visitors, all of the proceeds of said leases, and all other revenues that may be derived from any source connected with said park, to be expended under his direction in the management of the same and the construction of roads and bridle paths therein. He shall provide against the wanton destruction of the fish and game found within said park, and

against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same after the passage of this act to be removed therefrom, and, generally, is hereby authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this act.

SEC. 3. That the Secretary of War, upon the request of the Secretary of the Interior, is hereby authorized and directed to make the necessary details of troops to prevent trespassers or intruders from entering the park for the purpose of destroying the game or objects of curiosity or the timber therein, or for any other purpose prohibited by law, and to remove such persons from the park if found therein.

SEC. 4. That the United States court for the district of Washington shall take cognizance of all violations of the terms of this act and of the rules and regulations of the Secretary of the Interior prescribed hereunder.

SEC. 5. That upon execution and filing with the Secretary of the Interior by the Northern Pacific Railway Company of proper deed releasing and reconveying to the United States the lands in the national park hereby created, which have been heretofore granted by the United States to said company, whether surveyed or unsurveyed, said company is hereby authorized to select in lieu thereof, and receive patent therefor, an equal quantity of unreserved nonmineral public land, so classified as nonmineral at the time of actual Government survey which has been or shall be made, and to which no adverse right or claim shall have attached or have been initiated at the time of the making of such selection, lying within any State into or through which the railroad of said Northern Pacific Railway Company runs.

No. 5.

A BILL to set apart certain lands in the Territory of Arizona as a public park, to be known as the Grand Canyon National Park.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby reserved, dedicated, and set apart as a public park, to be known and designated as the Grand Canyon National Park, for the benefit and enjoyment of the people, all of that part of the Grand Canyon Forest Reserve in the Territory of Arizona, created by the President's proclamation of February twentieth, eighteen hundred and ninety-three, lying north of the parallel of thirty-six degrees of north latitude; and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereafter provided, shall be considered trespassers and be removed therefrom.

SEC. 2. That said public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to make and publish, as soon as practicable, such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes, for terms not exceeding twenty-five years, of small parcels of ground at such places in said park as shall require the erection of buildings for the accommodation of visitors, all of the proceeds of said leases, and all other revenues that may be derived from any source connected with said park, to be expended under his direction in the management of the same and the construction of roads and bridle paths therein. He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same after the passage of this act to be removed therefrom, and, generally, is hereby authorized to take all such

measures as shall be necessary or proper to fully carry out the objects and purposes of this act.

SEC. 3. That the Secretary of War, upon the request of the Secretary of the Interior, is hereby authorized and directed to make the necessary details of troops to prevent trespassers or intruders from entering the park for the purpose of destroying the game or objects of curiosity or the timber therein, or for any other purpose prohibited by law, and to remove such persons from the park if found therein.

SEC. 4. That the United States court for the Territory of Arizona shall take cognizance of all violations of the terms of this act and of the rules and regulations of the Secretary of the Interior prescribed hereunder.

SEC. 5. That upon execution and filing with the Secretary of the Interior, by the Atlantic and Pacific Railroad Company, of proper deed releasing and reconveying to the United States the lands in the national park hereby created, which have been heretofore granted by the United States to said company, whether surveyed or unsurveyed, said company is hereby authorized to select in lieu thereof, and receive patent therefor, an equal quantity of unreserved nonmineral public land, so classified as nonmineral at the time of actual Government survey, which has been or shall be made, and to which no adverse right or claim shall have attached or have been initiated at the time of the making of such selection, lying within any State or Territory into or through which the railroad of said Atlantic and Pacific Railroad Company runs.

APPENDICES.

APPENDIX A.

CONSTITUTION AND RULES OF THE NATIONAL ACADEMY OF SCIENCES.

As amended and adopted April 17, 1872, and further amended April 20, 1875; April 21, 1881; April 19, 1882; April 18, 1883; April 19, 1888, and April 18, 1895.

PREAMBLE.

Empowered by the act of incorporation enacted by Congress, and approved by the President of the United States on the 3d day of March, A. D. 1863, and in conformity with the amendment to said act, approved July 14, 1870, the National Academy of Sciences adopts the following amended constitution and rules:

ARTICLE I.—OF MEMBERS.

SEC. 1. The Academy shall consist of members, honorary members, and foreign associates. Members must be citizens of the United States.

SEC. 2. Members who, from age or inability to attend the sessions of the Academy, wish to resign the duties of active membership, may, at their own request, be transferred to the roll of honorary members by a vote of the Academy.

SEC. 3. The Academy may elect fifty foreign associates.

SEC. 4. Honorary members and foreign associates shall have the privilege of attending the meetings, and of reading and communicating papers to the Academy, but shall take no part in its business, shall not be subject to its assessments, and shall be entitled to a copy of the publications of the Academy.

ARTICLE II.—OF THE OFFICERS.

SEC. 1. The officers of the Academy shall be a president, a vice-president, a foreign secretary, a home secretary, and a treasurer, all of whom shall be elected for a term of six years, by a majority of votes present, at the first stated session after the expiration of the current terms, provided that existing officers retain their places until their successors are elected. In case of a vacancy, the election for six years shall be held in the same manner at the session when such vacancy

:. Scientific meetings of the Academy, unless otherwise ordered ·ority of the members present, shall be open to the public; those ransaction of business, closed.

. The stated meetings of the council shall be held during the r special sessions of the Academy. Special sessions may be l at the call of the president and two members of the council, r members of the council.

No member who has not paid his dues shall take part in the of the Academy.

ARTICLE IV.—OF ELECTIONS AND RESIGNATIONS.

All elections shall be by ballot, and each election shall be ·rately unless otherwise ordered by this constitution.

The time for holding an election of officers shall be fixed by ·my at least one day before the election is held.

The six additional members of the council shall be elected, y after the first of the first stated session in each year, by inscribing six names on his ballot, and those six who have ·ore votes than any others shall be declared elected. If two ·ames have received the lowest number of votes that would tional balloting shall be had for as many members as remain to be elected until the number is full.

n of the members so elected shall commence at the close of at which they are elected and continue until the close of the session in the next year.

·ominations of members may be made in writing, signed by mbers of the Academy, at any stated session, to be voted on stated session held in Washington, and each nomination e time of election, be accompanied by a written list of the rks of the nominee.

lections for membership shall be held in the following man- member may inscribe on a ballot not more than five names selected from the list. Absent members may send such e home secretary. From the seven names receiving the ber of votes in this preference ballot the members present to elect new members in the following manner: At each member present may vote for not exceeding three persons, n receiving the highest number of votes shall be declared ded that he receive two-thirds of the votes cast and that ear on not less than twenty ballots; and provided further, er of members of the Academy be not already one hun- in which case to be declared to be elected he must receive the votes cast, and his name must appear on at least llots.

·al candidates have the same minimum number of votes ce list, the requisite number for completing the list shall n them by a two-thirds vote of the members present.

against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same after the passage of this act to be removed therefrom, and, generally, is hereby authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this act.

SEC. 3. That the Secretary of War, upon the request of the Secretary of the Interior, is hereby authorized and directed to make the necessary details of troops to prevent trespassers or intruders from entering the park for the purpose of destroying the game or objects of curiosity or the timber therein, or for any other purpose prohibited by law, and to remove such persons from the park if found therein.

SEC. 4. That the United States court for the district of Washington shall take cognizance of all violations of the terms of this act and of the rules and regulations of the Secretary of the Interior prescribed hereunder.

SEC. 5. That upon execution and filing with the Secretary of the Interior by the Northern Pacific Railway Company of proper deed releasing and reconveying to the United States the lands in the national park hereby created, which have been heretofore granted by the United States to said company, whether surveyed or unsurveyed, said company is hereby authorized to select in lieu thereof, and receive patent therefor, an equal quantity of unreserved nonmineral public land, so classified as nonmineral at the time of actual Government survey which has been or shall be made, and to which no adverse right or claim shall have attached or have been initiated at the time of the making of such selection, lying within any State into or through which the railroad of said Northern Pacific Railway Company runs.

No. 5.

A BILL to set apart certain lands in the Territory of Arizona as a public park, to be known as the Grand Canyon National Park.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby reserved, dedicated, and set apart as a public park, to be known and designated as the Grand Canyon National Park, for the benefit and enjoyment of the people, all of that part of the Grand Canyon Forest Reserve in the Territory of Arizona, created by the President's proclamation of February twentieth, eighteen hundred and ninety-three, lying north of the parallel of thirty-six degrees of north latitude; and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereafter provided, shall be considered trespassers and be removed therefrom.

SEC. 2. That said public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to make and publish, as soon as practicable, such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes, for terms not exceeding twenty-five years, of small parcels of ground at such places in said park as shall require the erection of buildings for the accommodation of visitors, all of the proceeds of said leases, and all other revenues that may be derived from any source connected with said park, to be expended under his direction in the management of the same and the construction of roads and bridle paths therein. He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same after the passage of this act to be removed therefrom, and, generally, is hereby authorized to take all such

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APPENDICES.

8. On the last day of the session the rough minutes of that day's proceedings are to be read for correction.

VI. The rules of order of the Academy shall be those of the Senate of the United States, unless suspended by unanimous consent.

VII. Unless otherwise ordered by the Academy, the scientific meetings at the April session shall be held in the afternoon, the mornings being reserved for business.

VIII. The death of members shall be announced by the president on the last day of any session, when a member shall be selected by the president to furnish a biographical notice of the deceased at the next stated session. If such notice be not then furnished, another member may be selected by the president in place of the first, and so on until the duty is performed.

IX. The secretaries will receive memoirs at any time, and report the date of their reception at the next session; but no memoir shall be published unless it has been read before the Academy.

X. Memoirs shall date, in the records of the Academy, from the date of their presentation to the Academy, and the order of their presentation shall be so arranged by the secretary that, so far as may be convenient, those upon kindred topics shall follow one another.

XI. Papers from persons not members read before the Academy and intended for publication shall be referred at the meeting at which they are read to a committee of members competent to judge whether the paper is worthy of publication. Such committee shall report to the Academy as early as practicable, and not later than the next stated session.

XII. The printing of the Academy shall be under the charge of the committee of publication, to consist of the home secretary and four other members to be named by the president, with the advice and consent of the council.

XIII. The annual report of the Academy may be accompanied by a memorial to Congress in regard to such investigations and other subjects as may be deemed advisable, recommending appropriations therefor when necessary.

XIV. The proper secretary shall acknowledge all donations made to the Academy, and shall report them at the next stated session.

XV. The books, apparatus, archives, and other collections of the Academy shall be deposited in some safe place in the city of Washington. A list of the articles so deposited shall be kept by the home secretary, who is authorized to employ a clerk to take charge of them.

XVI. A stamp corresponding to the corporate seal of the Academy shall be kept by the secretaries, who shall be responsible for the due marking of all books and other objects to which it is applicable.

Labels or other proper marks of similar device shall be placed upon objects not admitting of the stamp.

XVII. The treasurer is authorized to defray, when approved by the president, all the proper expenses of committees appointed to make

scientific investigations at the request of Departments of the Government, and in each case to look to the Department requesting the investigation for reimbursement to the Academy.

XVIII. Nominations for membership should state the full name, residence, the official position, and the special scientific studies of the candidate. A form of nomination shall be prepared by the home secretary.

XIX. At least sixty days before the election, the members signing the nomination should furnish the home secretary with a sufficient number of printed copies of a list of the more important original works of the nominee to enable the secretary to furnish a copy to each member of the Academy.

XX. Ballots for election of members may be sent by sealing them up in a blank envelope, and inclosing this in another, across the back of which is written the name of the sender, and which is addressed to the home secretary; such envelopes will be opened only by the tellers.

XXI. All discussions as to the claims and qualifications of nominees at meetings of the Academy will be held strictly confidential, and remarks and criticisms then made may be communicated to no person who was not a member of the Academy at the time of the discussion.

XXII. Any rule of the Academy may be amended, suspended, or repealed, on the written motion of any two members, signed by them, and presented at a stated session of the Academy, provided the same shall be approved by a majority of the members present.

By a resolution adopted January 12, 1864, the president is, ex officio, a member of all Government committees of the Academy.

APPENDIX C.

ORGANIZATION OF THE ACADEMY, 1896.

	Expiration of term.
GIBBS, WOLCOTT, *President*	April, 1901
HALL, ASAPH, *Vice-President*	April, 1903
AGASSIZ, A., *Foreign Secretary*	April, 1901
REMSEN, IRA, *Home Secretary*	April, 1903
BILLINGS, JOHN S., *Treasurer*	April, 1899

ADDITIONAL MEMBERS OF COUNCIL, 1896–97.

BILLINGS, J. S.
BOWDITCH, H. P.
BRUSH, G. J.
HAGUE, A.
MARSH, O. C.
NEWCOMB, S.

COMMITTEES OF THE ACADEMY.

On Weights, Measures, and Coinage.

MENDENHALL, T. C.
MICHELSON, A. A.
NEWCOMB, S.
PEIRCE, C. S.
YOUNG, C. A.

On the Election of Foreign Associates.

HALL, A.
AGASSIZ, A.
MITCHELL, S. W.
NEWCOMB, S.

On Publication.

THE HOME SECRETARY.
BILLINGS, J. S.
MENDENHALL, T. C.
NEWCOMB, S.
POWELL, J. W.

On Publications of the Academy.

GILL, T.

On the Relation of the Academy to the Government.

THE PRESIDENT.
VICE-PRESIDENT.
SECRETARIES.
BILLINGS, J. S.
BRUSH, G. J.
POWELL, J. W.

TRUST FUNDS.

Board of Direction of the Bache Fund.

GIBBS, WOLCOTT.
CHANDLER, S. C.
SCUDDER, S. H.

Board of Trustees of the Watson Fund.

NEWCOMB, S., *Chairman.* HALL, A.

The Henry Draper Fund.

BARKER, G. F., *Chairman.* TROWBRIDGE, J.
NEWCOMB, S. WRIGHT, A. W.
YOUNG, C. A.

The J. Lawrence Smith Fund.

BRUSH, G. J., *Chairman.* JOHNSON, S. W.
HALL, A. PUMPELLY, R.
REMSEN, IRA.

The Benjamin Apthorp Gould Fund.

HALL, ASAPH. CHANDLER, S. C.
BOSS, LEWIS.

The Barnard Medal.

CHANDLER, C. F., *Chairman.* COMSTOCK, C. B.
BOSS, LEWIS. DANA, E. S.

The Wolcott Gibbs Fund.

JACKSON, C. L. REMSEN, IRA.
DROWN, T. M.

MEMBERS OF THE NATIONAL ACADEMY OF SCIENCES, JANUARY 1, 1898.

		Date of election.
ABBE, CLEVELAND	*Washington, D. C.*	1879
ABBOT, HENRY L., U. S. A	*Army Building, New York City.*	1872
AGASSIZ, ALEXANDER	*Cambridge, Mass.*	1866
ALLEN, J. ASAPH	*American Museum, New York City.*	1876
BARKER, GEORGE F	*3909 Locust st., Philadelphia, Pa.*	1876
BARUS, CARL	*Providence, R. I.*	1892
BELL, A. GRAHAM	*Washington, D. C.*	1883
BILLINGS, JOHN S., U. S. A	*32 E. Thirty-first st., New York.*	1883
BOSS, LEWIS	*Albany, N. Y.*	1889
BOWDITCH, HENRY P	*Jamaica Plain, Mass.*	1887
BREWER, WILLIAM H	*New Haven, Conn.*	1880
BROOKS, W. K	*Johns Hopkins University, Baltimore, Md.*	1884
BRUSH, GEORGE J	*New Haven, Conn.*	1868
CHANDLER, CHARLES F	*New York City.*	1874
CHANDLER, SETH C	*16 Craigie st., Cambridge, Mass.*	1888
CHITTENDEN, RUSSELL H	*New Haven, Conn.*	1890
COMSTOCK, CYRUS B., U. S. A	*Army Building, New York City.*	1884
COUES, ELLIOTT	*Washington, D. C.*	1877
CRAFTS, JAMES M	*59 Malboro' st., Boston, Mass.*	1872
DALL, WILLIAM H	*Washington, D. C.*	1897
DANA, EDWARD S	*New Haven, Conn.*	1884
DAVIDSON, GEORGE	*San Francisco, Cal.*	1874
DUTTON, CLARENCE E., U. S. A	*San Antonio, Tex.*	1884

		Date of election.
ELKIN, WILLIAM L.	*New Haven, Conn.*	1895
EMMONS, SAMUEL F	*Washington, D. C.*	1892
FARLOW, W. G	*Cambridge, Mass.*	1879
GIBBS, JOSIAH WILLARD	*New Haven, Conn.*	1879
GIBBS, WOLCOTT	*Newport, R. I.*	——
GILBERT, GROVE K	*Washington, D. C.*	1883
GILL, THEODORE N	*Washington D. C.*	1873
GOOCH, FRANCIS A	*New Haven, Conn.*	1897
GOODALE, GEORGE L	*Cambridge, Mass.*	1890
HAGUE, ARNOLD	*U. S. Geological Survey, Washington, D. C.*	1885
HALL, ASAPH	*Cambridge, Mass.*	1875
HALL, JAMES	*Albany, N. Y.*	——
HASTINGS, CHARLES S	*New Haven, Conn.*	1889
HILGARD, EUGENE W	*Berkeley, Cal.*	1872
HILL, GEORGE W	*West Nyack, N. Y.*	1874
HILL, HENRY B	*Cambridge, Mass.*	1883
HOLDEN, EDWARD S	*San Jose, Cal.*	1885
HYATT, ALPHEUS	*Soc. of Nat. History, Boston, Mass.*	1875
JACKSON, CHARLES L	*Cambridge, Mass.*	1883
JOHNSON, SAMUEL W	*New Haven, Conn.*	1866
KING, CLARENCE	*Century Club, New York City.*	1876
LANGLEY, SAMUEL P	*Washington, D. C.*	1876
LE CONTE, JOSEPH	*Berkeley, Cal.*	1875
LESLEY, J. PETER	*711 Walnut st., Philadelphia, Pa.*	——
MARSH, O. C	*New Haven. Conn.*	1874
MAYO-SMITH, RICHMOND	*Columbia College, New York City.*	1890
MENDENHALL, THOMAS C	*Worcester, Mass.*	1887
MICHAEL, ARTHUR	*College Hill, Mass.*	1889
MICHELSON, ALBERT A	*Chicago, Ill.*	1888
MINOT, CHARLES S	*Boston, Mass.*	1897
MITCHELL, HENRY	*Nantucket, Mass.*	1885
MITCHELL, S. WEIR	*1524 Walnut st., Philadelphia, Pa.*	1865
MORLEY, EDWARD W	*Cleveland, Ohio.*	1897
MORSE, EDWARD S	*Salem, Mass.*	1876
MORTON, HENRY	*Hoboken, N. J.*	1874
NEWCOMB, SIMON, U. S. N	*Washington, D. C.*	1869
PACKARD, A. S	*Providence, R. I.*	1872
PEIRCE, CHARLES S	*Milford, Pa.*	1877
PICKERING, EDWARD C	*Cambridge, Mass.*	1879
POWELL, JOHN W	*Washington, D. C.*	1880
PUMPELLY, RAPHAEL	*Gibbs Ave., Newport, R. I.*	1872
PUTNAM, FREDERICK W	*Cambridge, Mass.*	1885
REMSEN, IRA	*Johns Hopkins University, Baltimore, Md.*	1882
ROGERS, FAIRMAN	*Abroad.*	——
ROGERS, WILLIAM A	*Waterville, Me.*	1885
ROOD, OGDEN N	*New York City.*	1865
ROWLAND, HENRY A	*Johns Hopkins University, Baltimore, Md.*	1881
SARGENT, CHARLES S	*Jamaica Plain, Mass.*	1895
SCHOTT, CHARLES A	*Washington, D. C.*	1872
SCUDDER, SAMUEL H	*Cambridge, Mass.*	1877
SELLERS, WILLIAM	*1600 Hamilton St., Philadelphia, Pa.*	1873
SMITH, SIDNEY I	*New Haven, Conn.*	1884
TROWBRIDGE, JOHN	*Cambridge, Mass.*	1878
VERRILL, A. E.	*New Haven, Conn.*	1872

		Date of election.
WALCOTT, CHARLES D	*Washington, D. C.*	1896
WELCH, WILLIAM H	*Baltimore, Md.*	1895
WHITE, CHARLES A	*Washington, D. C.*	1889
WHITMAN, CHARLES O	*Chicago, Ill.*	1895
WOOD, HORATIO C	*1925 Chestnut St., Philadelphia, Pa.*	1879
WOODWARD, ROBERT S	*New York City.*	1896
WRIGHT, ARTHUR W	*New Haven, Conn.*	1881
YOUNG, CHARLES A	*Princeton, N. J.*	1872

DECEASED MEMBERS.

	Date of death.
*AGASSIZ, LOUIS	Dec. 14, 1873
*ALEXANDER, J. H	Mar. 2, 1867
*ALEXANDER, STEPHEN	June 25, 1883
*BACHE, ALEXANDER DALLAS	Feb. 14, 1867
*BAIRD, SPENCER F	Aug. 19, 1887
BARNARD, F. A. P	Apr. 27, 1889
BARNARD, J. G	May 14, 1882
BARTLETT, W. H. C	Feb. 11, 1893
*BROWN-SEQUARD, CHARLES E	Apr. 2, 1894
*CASEY, THOMAS L., U. S. A	Mar. 25, 1896
*CASWELL, ALEXIS	Jan. 8, 1887
*CHAUVENET, WILLIAM	Dec. 13, 1870
*CLARK, HENRY JAMES	July 1, 1873
*COFFIN, JAMES H	Jan. 6, 1873
COFFIN, J. H. C	Jan. 8, 1890
*COOK, GEORGE H	Sept. 22, 1889
COOKE, JOSIAH P	Sept. 3, 1894
COPE, EDWARD D	Apr. 12, 1897
DALTON, J. C	Feb. 2, 1889
DANA, JAMES D	Apr. 14, 1895
*DAVIS, CHARLES H	Feb. 18, 1877
*DRAPER, HENRY	Nov. 20, 1882
*DRAPER, JOHN W	Jan. 4, 1882
*EADS, JAMES B	Mar. 8, 1887
*ENGELMANN, GEORGE	Feb. 4, 1884
*FERREL, WILLIAM	Sept. 18, 1891
*FRAZER, JOHN FRIES	Oct. 12, 1872
*GABB, WILLIAM M	May 30, 1878
GENTH, F. A	Feb. 2, 1893
*GILLISS, JAMES MELVILLE	Feb. 9, 1865
*GOODE, G. BROWN	Sept. 6, 1896
*GOULD, AUGUSTUS A	Sept. 15, 1866
GOULD, BENJAMIN A	Nov. 27, 1896
*GRAY, ASA	Jan. 30, 1888
*GUYOT, ARNOLD	Feb. 8, 1884
*HADLEY, JAMES	Aug. 1, 1864
*HALDEMAN, S. S	Sept. 20, 1880
*HAYDEN, F. V	Dec. 22, 1887
*HENRY, JOSEPH	May 13, 1878
*HILGARD, JULIUS E	May 8, 1891
*HITCHCOCK, EDWARD	Feb. 27, 1864

* Biographical notices have been presented of those designated by an asterisk.

	Date of death.
*HOLBROOK, J. E	Sept. 8, 1871
*HUBBARD, J. S	Aug. 16, 1863
*HUMPHREYS, A. A	Nov. 28, 1883
HUNT, T. STERRY	Feb. 12, 1892
*KIRKLAND, JARED P	Dec. 10, 1877
*LANE, J. HOMER	May 3, 1880
*LE CONTE, JOHN	Apr. 29, 1891
*LE CONTE, JOHN L	Nov. 15, 1883
LEA, MATTHEW C	Mar. 15, 1897
LEIDY, JOSEPH	Apr. 30, 1891
*LESQUEREUX, LEO	Oct. 25, 1889
LONGSTRETH, MIERS F	Dec. 27, 1891
*LOOMIS, ELIAS	Aug. 16, 1889
LOVERING, JOSEPH	Jan. 18, 1892
LYMAN, THEODORE	Sept. 10, 1897
*MAHAN, D. H	Sept. 16, 1871
*MARSH, G. P	July 23, 1882
MAYER, ALFRED M	July 13, 1897
*MEEK, F. B	Dec. 21, 1877
*MEIGS, M. C	Jan. 2, 1892
*MORGAN, LEWIS H	Dec. 14, 1881
NEWBERRY, J. S	Dec. 7, 1892
*NEWTON, H. A	Aug. 1, 1896
NEWTON, JOHN	May 1, 1895
*NORTON, WILLIAM A	Sept. 21, 1883
*OLIVER, JAMES E	Mar. 27, 1895
PETERS, C. H. F	July 18, 1890
*POURTALES, L. F	July 19, 1880
RODGERS, JOHN	May 5, 1882
ROGERS, ROBERT E	Sept. 7, 1884
*ROGERS, WILLIAM B	May 30, 1882
*RUTHERFURD, LEWIS M	May 30, 1892
*SAXTON JOSEPH	Oct. 26, 1873
*SILLIMAN, BENJ., SR	Nov. 24, 1864
SILLIMAN, BENJ., JR	Jan. 14, 1885
*SMITH, J. LAWRENCE	Oct. 12, 1883
*STIMPSON, WILLIAM	May 26, 1873
*STRONG, THEODORE	Feb. 1, 1869
*SULLIVANT, W. S	Apr. 30, 1873
*TORREY, JOHN	Mar. 10, 1873
*TOTTEN, J. G	Apr. 22, 1864
*TROWBRIDGE, WILLIAM P	Aug. 12, 1892
TRUMBULL, JAMES H	Aug. 5, 1897
*TUCKERMAN, EDWARD	Mar. 15, 1886
WALKER, FRANCIS A	Jan. 5, 1897
*WARREN, G. K	Aug. 8, 1882
*WATSON, JAMES C	Nov. 23, 1880
*WATSON, SERENO	Mar. 9, 1892
*WINLOCK, JOSEPH	June 11, 1875
*WOODWARD, J. J., U. S. A	Aug. 17, 1884
*WORTHEN, A. H	May 6, 1888
*WYMAN, JEFFRIES	Sept. 4, 1874

* Biographical notices have been presented of those designated by an asterisk.

FOREIGN ASSOCIATES.

BUNSEN, ROBERT W	*Heidelberg.*
STRUVE, OTTO VON	*Pulkowa.*
STOKES, SIR GEORGE G	*Cambridge.*
HOOKER, SIR J. D	*Kew.*
LORD KELVIN	*Glasgow.*
AUWERS, ARTHUR	*Berlin.*
BERTRAND, J. L. F	*Paris.*
VIRCHOW, RUDOLPH VON	*Berlin.*
BERTHELOT, M. P. E	*Paris.*
KÖLLIKER, ALBERT VON	*Würzburg.*
RICHTHOFEN, F. VON	*Berlin.*
GEGENBAUR, CARL	*Heidelberg.*
RAMMELSBERG, K. F	*Berlin.*
LEUCKART, RUDOLPH	*Leipsic.*
LIE, SOPHUS	*Leipsic.*

DECEASED FOREIGN ASSOCIATES.

SIR WM. ROWAN HAMILTON.
KARL ERNST VON BAER.
HENRY MILNE-EDWARDS.
MICHAEL FARADAY.
L. ELIE DE BEAUMONT.
SIR DAVID BREWSTER.
G. A. A. PLANA.
F. W. A. ARGELANDER.
FRIEDRICH WÖHLER.
J. B. DUMAS.
J. B. J. D. BOUSSINGAULT.
M. E. CHEVREUL.
MICHEL CHASLES.
SIR GEORGE B. AIRY.
J. C. ADAMS.
SIR RICHARD OWEN.
C. H. C. BURMEISTER.
ARTHUR CAYLEY.
T. H. HUXLEY.
HUGO GYLDÉN.
F. F. TISSERAND.
JULIUS VON SACHS.
SIR RODERICK I. MURCHISON.
VICTOR REGNAULT.
H. W. DOVE.
C. A. F. PETERS.
JUSTUS VON LIEBIG.
ALEXANDER BRAUN.
JOACHIM BARRANDE.
ADOLPHE WÜRTZ.
THEODORE VON OPPOLZER.
G. R. KIRCHOFF.
RUDOLPH CLAUSIUS.
JAMES P. JOULE.
CARLOS IBAÑEZ.
JEAN SERVAIS STAS.
ALPHONSE DE CANDOLLE.
A. W. HOFMANN.
BARON H. VON HELMHOLTZ.
K. F. W. LUDWIG.
LOUIS PASTEUR.
AUGUST KEKULÉ.
EMIL DU BOIS REYMOND.
J. J. SYLVESTER.
KARL WEIERSTRASS.

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H CONGRESS, 2d Session. } SENATE. { Doc. 58. Part 1.

OFFICIAL DEPUTIES OF INTERNAL REVENUE.

LETTER

FROM

IE SECRETARY OF THE TREASURY,

TRANSMITTING,

RESPONSE TO RESOLUTION OF THE SENATE OF DECEMBER), 1897, CERTAIN CORRESPONDENCE BETWEEN THE TREASURY EPARTMENT AND OTHER EXECUTIVE DEPARTMENTS, BEWEEN THE TREASURY DEPARTMENT AND THE OFFICE OF ITERNAL REVENUE, ETC., IN REGARD TO THE LEGAL RIGHT ND AUTHORITY OF COLLECTORS OF INTERNAL REVENUE TO PPOINT THEIR OFFICIAL DEPUTIES EITHER FROM OR OUTDE OF THE SO-CALLED "ELIGIBLE LIST."

UARY 13, 1898.—Referred to the Committee on Civil Service and Retrenchment and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., January 10, 1898.

IR: I have the honor to acknowledge the receipt of the following olution:

solved, That the Secretary of the Treasury be, and he is hereby, directed to smit to the Senate, at the earliest date practicable, a copy of all the corredence between the Treasury Department and any other Executive Department, reen the Treasury Department and the Office of Internal Revenue, and between subordinate officer of internal revenue and the Department or the Office of rnal Revenue; between the Solicitor of the Treasury and that Department, and reen the Treasury Department and the Civil Service Commission, in regard to the l right and authority of collectors of internal revenue to appoint their official ities either from or outside of the so-called "eligible list," and either with or iout a competitive examination; and also all communications received by the artment asserting or relative to the right of the Civil Service Commission to ew or reverse the action of the Department concerning appointments or removals i office, and the replies of the Department thereto.

n reply thereto, I submit certain correspondence hereinafter described. 'or the reason that a number of the letters referred to deal with more n one case, and as the replies in many instances embrace subjects contained in the letter to which the response is given, and the es of letters bearing upon the same subject being widely different, ave adopted the plan of presenting all the correspondence chronocally.

The correspondence submitted is as follows:

No. 1, February 27, 1897.—W. C. Curtis, Acting Secretary of the Treasury, to the Commissioner of Internal Revenue, relating to transfer of storekeepers to the office of deputy collector, and authorizing Commissioner to make such appointments.

No. 2, March 26.—W. S. Forman, Commissioner of Internal Revenue, to the Secretary of the Treasury, answering Secretary's letter of the 27th ultimo, relative to appointments of deputy collectors, and stating that collectors only are authorized to appoint deputies.

No. 3, June 2.—John R. Procter, president Civil Service Commission, to Secretary of the Treasury, submitting letters of Senator Pritchard containing suggestions respecting the exemption from examination of deputy collectors of the internal-revenue service and in the customs service, to which is attached copy of letter (No. 3a), dated December 30, 1894, addressed by said Commission to the President, stating reasons why the classification of these branches of the service would be nullified if deputy collectors were exempted.

No. 4, June 9.—Acting Secretary of the Treasury to collector of internal revenue, Boston, Mass., informing him as to manner of appointing his deputies.

No. 5, July 21.—Secretary of the Treasury to Civil Service Commission, as to proposed amendments of civil-service rules, suggesting amendments as to deputy collectors of internal revenue.

No. 6, August 4.—John B. Harlow, acting president Civil Service Commission, to the Secretary of the Treasury, relative to temporary appointment of eight deputy collectors in the district of Georgia.

No. 7, August 17.—John B. Harlow, acting president Civil Service Commission, to the Secretary of the Treasury, relative to the appointment of stamp deputy without examination and certification.

No. 8, August 20.—William H. Bracken, collector, to Secretary of the Treasury, relative to the removal of deputy collectors holding positions not subject to competitive examination.

No. 9, September 2.—William G. Rice, acting president Civil Service Commission, to the Secretary of the Treasury, relative to the appointment of E. S. Helburn as temporary deputy collector. (See Nos. 19, 20, 46, 49, 64, 66.)

No. 10, September 4.—Acting Commissioner of Internal Revenue to Secretary of the Treasury, submitting letter (attached) of James D. Brady, collector second district of Virginia, dated September 3 (No. 10a), in regard to his action in respect to appointment of deputy collectors.

No. 11, September 7.—William G. Rice, acting president Civil Service Commission, to Secretary of the Treasury, relative to removals of employees in internal-revenue service at Richmond, Va. (See answer No. 13.)

No. 11½, September 10.—Secretary of Treasury to Civil Service Commission, inclosing copy of letter from Commissioner of Internal Revenue, dated August 26 (attached, No. 11½a), stating objections to persons named on eligible list provided for the fourth district of Texas.

No. 12, September 10.—Thomas Brown, late deputy collector, relative to his removal by Collector James D. Brady, with his letter (attached) to Brady, dated September 9 (No. 12a), and Brady's letter (attached) to him, dated September 10 (No. 12b).

No. 13, September 11.—Secretary of the Treasury to the Civil Service Commission, answering letter of September 7 (No. 11), relative to appointment of deputy collectors by James D. Brady, collector second district of Virginia, stating his construction of section 3148, Revised Statutes, and asking for the opinion of the Commission as to the force and effect to be given to said section.

NOTE.—The Commission did not reply by letter to the aforesaid communication, but President Procter, of the Commission, submitted in person certain memoranda, copy herewith, headed "Statement of the case," marked No. 14.

No. 15, September 11.—James D. Brady, collector, to Commissioner of Internal Revenue, relative to appointment of certain deputies by his predecessor, William Ryan.

No. 16, September 13.—James D. Brady, collector, to Commissioner of Internal Revenue, asking that requisitions be made on the Civil Service Commission for certifications of eligibles for positions of deputy collectors.

No. 17, September 18.—John B. Harlow, acting president Civil Service Commission, to Assistant Secretary of the Treasury Vanderlip, asking delay in the reference of the question of status of deputy collectors of internal revenue to the Attorney-General.

No. 18, September 20.—Commissioner of Internal Revenue to Secretary of the Treasury, relative to the protest of Collector James D. Brady against any modification or limitation of the power vested in him by section 3148, Revised Statutes.

No. 19, September 22.—W. S. Forman, Commissioner of Internal Revenue, to Secretary of the Treasury, relative to the appointment of E. S. Helburn, and to the eligible list in the eighth district of Kentucky. (See Nos. 9, 20, 46, 49, 64, 66.)

No. 20, September 25.—John R. Procter, president Civil Service Commission, to Secretary of the Treasury, in reference to the appointment of E. S. Helburn, temporary deputy collector. (See Nos. 9, 19.)

No. 21, September 28.—O. L. Spaulding, Acting Secretary of the Treasury, to the honorable the Attorney-General, submitting a letter from the Commissioner of Internal Revenue, inclosing a letter from Collector Brady, second district of Virginia, asking for a construction of sections 3148 and 3149, Revised Statutes, relative to the appointment and removal of deputy collectors of internal revenue; letter of Brady, dated September 29, and the Commissioner's, dated October 1, attached.

No. 22, October 1.—Commissioner of Interanl Revenue to Secretary of the Treasury, submitting letter of Commissioner of Internal Revenue dated October 1, letter of Collector Brady dated September 29, and excerpts from Richmond papers showing interviews with Secretary Doyle of the Civil Service Commission; referred, October 4, by Assistant Secretary Vanderlip to the Civil Service Commission. (See No. 26.)

No. 23, October 7.—Commissioner of Internal Revenue to Secretary of the Treasury, advising that there are vacancies in Alabama and Georgia of deputy collectorships and storekeeper-gaugerships, but that there are no eligible lists in either district from which to make selections for filling such vacancies.

No. 24, October 7.—Secretary of the Treasury to Civil Service Commission, furnishing copies of inclosures in Department letter sent the Attorney-General, dated September 28, 1897, asking his opinion in the matter of appointment of deputy collectors.

No. 25, October 8.—John R. Procter, president Civil Service Commission, to Secretary of the Treasury, relative to examination papers of certain eligibles for the position of deputy collector in the sixth district of Virginia.

No. 26, October 14.—John R. Procter, president Civil Service Commission, to Secretary of the Treasury, relative to interviews with Secretary Doyle printed in the Richmond press. (See Nos. 22, 28.)

No. 27, October 18.—Assistant Secretary of the Treasury Vanderlip to the honorable the Attorney-General, transmitting a memorandum (No. 27a) prepared by the Acting Commissioner of Internal Revenue, bearing on the matter of the terms of deputy collectors.

No. 28, October 18.—Secretary of the Treasury to the Civil Service Commission, replying to communication from President Procter, of October 14, in re Secretary Doyle's action in Richmond. (See No. 32.)

No. 29, October 19.—Fred Brackett, chief division of appointments, submits memoranda as to status of deputy collectors of internal revenue, which was referred by the Secretary to the honorable the Attorney-General for his consideration in connection with the Brady case.

No. 30, October 20.—John R. Procter, president Civil Service Commission, to the Secretary of the Treasury, requesting statement as to the cause of separation of W. W. Brown, of West Virginia, from the internal-revenue service, with letter (attached) of Commissioner of Internal Revenue to Secretary of the Treasury, dated November 3 (No. 30a), giving the cause for the discharge of W. W. Brown.

No. 31, October 23.—Commissioner of Internal Revenue to Secretary of the Treasury, relative to emergency appointments of fruit brandy deputy collectors in the sixth district of Virginia.

No. 32, October 25.—John R. Procter, president Civil Service Commission, to Secretary of the Treasury, disclaiming any intention of intruding advice as to the Treasury Department's manner of transacting public business. (See No. 28.)

No. 33, October 27.—John R. Procter, president Civil Service Commission, calling attention to the alleged violations of the rules in the Knoxville, Tenn., internal-revenue district.

No. 34, October 29.—John R. Procter, president Civil Service Commission, to Secretary of the Treasury, referring to appointments made to positions subject to competitive examinations without examination and certification, in Nashville, Tenn., required by the rules.

No. 35, November 1.—John R. Procter, president Civil Service Commission, to Secretary of the Treasury, relative to temporary appointments of deputy collectors at Lynchburg, Va. (See No. 56.)

No. 36, November 1.—John R. Procter, president Civil Service Commission, to Secretary of the Treasury, calling attention to the failure of certain collectors of internal revenue (including Collector Brady) to send in reports of appointments.

No. 37, November 2.—Secretary of the Treasury to Civil Service Commission, acknowledging receipt of the Commission's letter of October 25 relative to the appointment of certain deputies by Collector Brady, and stating that it appeared to the Commission, on noting statements contained in the letter, that the Secretary had, in the press of business, signed the letter without due consideration.

No. 20, September 25.—John R. Procter, president Civil Service Commission, to Secretary of the Treasury, in reference to the appointment of E. S. Helburn, temporary deputy collector. (See Nos. 9, 19.)

No. 21, September 28.—O. L. Spaulding, Acting Secretary of the Treasury, to the honorable the Attorney-General, submitting a letter from the Commissioner of Internal Revenue, inclosing a letter from Collector Brady, second district of Virginia, asking for a construction of sections 3148 and 3149, Revised Statutes, relative to the appointment and removal of deputy collectors of internal revenue; letter of Brady, dated September 29, and the Commissioner's, dated October 1, attached.

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No. 32, October 25.—John R. Procter, president Civil Service Commission, to Secretary of the Treasury, disclaiming any intention of intruding advice as to the Treasury Department's manner of transacting public business. (See No. 28.)

No. 33, October 27.—John R. Procter, president Civil Service Commission, calling attention to the alleged violations of the rules in the Knoxville, Tenn., internal-revenue district.

No. 34, October 29.—John R. Procter, president Civil Service Commission, to Secretary of the Treasury, referring to appointments made to positions subject to competitive examinations without examination and certification, in Nashville, Tenn., required by the rules.

No. 35, November 1.—John R. Procter, president Civil Service Commission, to Secretary of the Treasury, relative to temporary appointments of deputy collectors at Lynchburg, Va. (See No. 56.)

No. 36, November 1.—John R. Procter, president Civil Service Commission, to Secretary of the Treasury, calling attention to the failure of certain collectors of internal revenue (including Collector Brady) to send in reports of appointments.

No. 37, November 2.—Secretary of the Treasury to Civil Service Commission, acknowledging receipt of the Commission's letter of October 25 relative to the appointment of certain deputies by Collector Brady, and stating that it appeared to the Commission, on noting statements contained in the letter, that the Secretary had, in the press of business, signed the letter without due consideration.

No. 38, November 2.—John R. Procter, president Civil Service Commission, relative to the appointment of deputy collectors without examination in the Richmond (Va.), district.

No. 39, November 3.—John R. Procter, president Civil Service Commission, to the Secretary of the Treasury, inviting attention to report made by representative of the Commission who recently visited Nashville, Tenn., with reference to appointments made by Collector Nunn.

No. 40, November 4.—John R. Procter, president Civil Service Commission, to the Secretary of the Treasury, inviting attention to a report of representative of the Commission who recently visited Pittsburg, Pa., charging violations of the law in the removal of certain deputy collectors by Collector Fruit, with letter attached, dated December 1, from Commissioner of Internal Revenue to Secretary of the Treasury, making report in regard to the removal of certain deputy collectors in the twenty-third district (Pittsburg), Pennsylvania.

NOTE.—Attention is requested to indorsement on the above-described letter of November 4, which reads as follows: "Treasury Department, Office of the Secretary, Division of Appointments, November 22, 1897. Respectfully referred to the Commissioner of Internal Revenue, with the request that collectors be notified that until otherwise ordered existing rules relative to appointment of deputy collectors must be complied with. You will please furnish a report in this case. L. J. GAGE."

No. 41, November 4.—James D. Brady, collector, Second district of Virginia, to Secretary of the Treasury, answering letter of Secretary, dated October 30, 1897, explaining his failure to file Form No. 143, which includes a list of changes made during each year in the offices of collector of internal revenue; with copies of letters attached from John R. Procter, president Civil Service Commission, dated October 19 and 25, to collector of internal revenue, Richmond, Va., asking for report on Form No. 143; also a copy of Form No. 143, dated September 7, 1897, marked respectively 41a, 41b, 41c.

No. 42, November 5.—Secretary of Treasury to Civil Service Commission, acknowledging receipt of certain letters referring to the appointment by collectors of internal revenue of deputy collectors, and stating the attitude of the Department on the question of the appointment and removal of deputy collectors. (See No. 52.)

No. 43, November 6.—John B. Rogers, deputy collector, Sixth district of Missouri, to Secretary of the Treasury, asking whether deputy collectors of internal revenue are included in the civil service; with answer (No. 43a) of the Secretary, dated December 17, attached.

No. 44, November 6.—Fred Brackett, chief Division of Appointments, to Secretary of the Treasury, stating that he is informed that the honorable the Attorney-General declined to make any decision in the case recently submitted to him involving the appointment by collectors of internal revenue of deputy collectors selected by them without regard to the provisions of the civil-service law which relate to such appointments, for the reason that he can not consider a hypothetical case; submits a letter covering a specific case which originated in the the Second district of Virginia.

No. 45, November 6.—Secretary of the Treasury to the Solicitor of the Treasury, submitting a communication from the Civil Service Commission, relative to recent appointments of deputy collectors of internal revenue made by the collector, Knoxville, Tenn., district, and asking his opinion as to the power vested in the collector by sections 3148 and 3149, Revised Statutes, and the act of March 1, 1879, with reference to the appointment of deputy collectors.

NOTE.—No reply was received to this letter.

No. 45½, November 6.—John R. Procter, president Civil Service Commission, to Secretary of Treasury, as to unsatisfactory condition of register of eligibles in the fourth district of Texas. (See 11½.)

No. 46, November 6.—John R. Procter, president Civil Service Commission, to Secretary of the Treasury, relative to the appointment of E. S. Helburn and F. V. Logan, deputy collectors, and asking that such action be taken as will result in the immediate separation from the service of the persons named. (See Nos. 9, 19, 20, 49.)

No. 47, November 8.—John R. Procter, president Civil Service Commission, to the Secretary of the Treasury, calling attention to the report of the representative of the Commission, who recently made an investigation of alleged violations of the civil-service rules in the internal-revenue service at Dallas, Tex.

No. 48, November 9.—Secretary of the Treasury to the Civil Service Commission, in reference to the removal of J. P. Gray and others, by the collector of internal revenue at Richmond, Ky.

No. 49, November 9.—Secretary of the Treasury to the Civil Service Commission, relative to the appointment of F. V. Logan and E. S. Helburn, deputy collectors, in the Eighth district of Kentucky, with letter (No. 49a) attached, dated November 23, of John W. Yerkes, collector, to Commissioner of Internal Revenue, relative to the same subject. (See Nos. 9, 19, 20, 64, 66.)

No. 50, November 9.—Attorney-General, returning correspondence of the Internal Revenue Bureau, in the matter of the action of the collector of the Second district of Virginia in declining to appoint the deputies of his predecessors.

No. 51, November 10.—Secretary of the Treasury to Civil Service Commission, in re appointment deputy collectors, internal revenue, Fifth district of Tennessee, saying that an agreement was had with the Commission to the effect that matters of this sort should be held in abeyance pending the decision of the honorable the Attorney-General, upon the question raised by Collector Brady.

No. 52, November 10.—John R. Procter, president Civil Service Commission, to the Secretary of the Treasury, in answer to Secretary's letter of November 5. (See No. 42.)

No. 53, November 10.—Secretary of the Treasury to the Civil Service Commission, giving reasons why Paul Marrin, ex-deputy collector of internal revenue for the Fourth district of Michigan, was not recommissioned.

No. 54, November 22.—John R. Procter, president Civil Service Commission, to the Secretary of the Treasury, inviting attention to complaint filed by John McKee, late deputy collector of internal revenue, Chicago, Ill. (See No. 61.)

No. 55, November 27.—John R. Procter, president Civil Service Commission, to the Secretary of the Treasury, submitted for remark copies of letters (which are attached) dated November 24, 1897, from H. W. Richardson and J. A. Holland (Nos. 55a and 55b), alleging recent separation from classified positions in the South Carolina district. (See No. 59.)

No. 56, November 29.—Commissioner of Internal Revenue to Secretary of the Treasury, with reference to emergency appointments of deputy collectors in the Sixth district of Virginia. (See No. 35.)

No. 57, December 2.—Secretary of the Treasury to the Civil Service Commission, referring to unsatisfactory condition of register of eligibles for the Fourth internal-revenue district of Texas.

No. 58, December 6.—Secretary of the Treasury to the Civil Service Commission, submitting copy of letter dated December 1, 1897 (No. 58a, attached), by Commissioner of Internal Revenue, making report in the case of removals of Deputy Collectors Bochert and Howley, in the Twenty-third district of Pennsylvania.

No. 59, December 7.—Commissioner of Internal Revenue to Secretary of the Treasury, relative to ex-Deputy Collectors H. W. Richardson and J. A. Holland, of South Carolina. (See No. 55.)

No. 60, December 7.—Secretary of the Treasury to the Civil Service Commission, relative to James M. Hoskins, jr., formerly deputy collector of the seventh district of Indiana.

No. 61, December 8.—Commissioner of Internal Revenue to the Secretary of the Treasury, in regard to the complaint of ex-Deputy Collector John McKee, of the first district of Illinois, as to his removal from that position. (See No. 54.)

No. 62, December 9.—Secretary of the Treasury to Mr. Paul Marrin, ex-deputy collector internal revenue, district of Michigan.

No. 63, December 11.—Commissioner of Internal Revenue to Civil Service Commission, relative to the circular said to have been received from the Civil Service Commission, which indicates that the Secretary of the Treasury will make all appointments in the internal-revenue service, including deputy collectors of internal revenue.

No. 64, December 14.—John R. Procter, president Civil Service Commission, to the Secretary of the Treasury, asking for a statement showing whether Mr. Helburn, who was appointed to a position in the Richmond (Ky.) internal-revenue office without examination and certification, is still in the service. (See Nos. 9, 19, 20, 49, 66.)

No. 65, December 15.—Secretary of the Treasury to the Civil Service Commission, relative to the temporary appointments of John McNamara and others as deputy collectors at Springfield, Ohio.

No. 66, December 23.—Commissioner of Internal Revenue to the Secretary of the Treasury, stating that E. S. Helburn, deputy collector eighth district of Kentucky, is still in the service. (See Nos. 9, 19, 20, 49, 64.)

It is respectfully requested that the briefs appearing on certain of the letters herewith submitted be made a part of this report.

Very respectfully,

L. J. GAGE, *Secretary.*

The VICE-PRESIDENT, *United States Senate.*

The special report of the Commissioner of Internal Revenue in answer to the resolution will form the subject of a separate communication.

No. 1.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., February 27, 1897.

SIR: Referring to your letters of the 4th, 6th, 13th, 19th, and 21st ultimo, relating to the resignation of certain persons in the internal-revenue service, you are informed that, since it appears that in the changes as proposed there is not required by the civil-service rules an examination involving essential tests different from or higher than those involved in the examination for original entrance to the positions from which transfer is desired, the Civil Service Commission has made certification of the eligibility of the following-named persons for transfer, and you are authorized to appoint them as here below mentioned:

Benjamin F. Wyatt, storekeeper, seventh district of Kentucky, to be deputy collector in that district from January 1, 1897;

William F. Nabers, storekeeper and gauger, district of Alabama, to be deputy collector in that district from January 1, 1897;

James P. King, storekeeper and gauger, district of Arkansas, to be deputy collector in that district from January 1, 1897;

John R. Milliken, storekeeper and gauger, fourth district of North Carolina, to be deputy collector in that district from December 12, 1896;

Asa H. Welsh, storekeeper and gauger, district of Maryland, to be deputy collector in that district from January 14, 1897, and

John V. Brittain, storekeeper and gauger, fifth district of North Carolina, to be deputy collector in that district from December 5, 1896.

Respectfully, yours,

W. C. CURTIS, *Acting Secretary.*

The COMMISSIONER OF INTERNAL REVENUE.

No. 2.

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., March 26, 1897.

SIR: I inclose herewith letter addressed to this office on the 27th ultimo by the Acting Secretary of the Treasury, purporting to confer upon the Commissioner of Internal Revenue authority to appoint deputy collectors of internal revenue in certain cases therein mentioned.

As this action appears to have been taken not through inadvertence, but as the result of several months' deliberation, I deem it my duty to invite your attention to the fact that by section 3148 of the Revised Statutes authority to appoint deputy collectors of internal revenue was vested by the Congress in the collectors of the several districts. (See p. 40, Compilation of Internal Revenue Laws, 1894.) This section of the law has not been repealed.

Under the civil-service law collectors of internal revenue, in common with other appointing officers, are restricted in the selection of appointees in the classified service to eligibles certified by the United States Civil Service Commission. The law did not, however, in any instance, either

explicitly or by implication, transfer powers of appointment conferred by Congress upon a designated officer or class of officers to another officer of the Government.

While the error in the inclosed letter is immaterial as regards this office, where familiarity with the internal-revenue laws, as well as with the civil-service act, would prevent the issuance of an illegal appointment as deputy collector to anyone, it is respectfully submitted that the circulation of incorrect information on this point should be avoided. Deputy collectors of internal revenue derive from commissions issued by the collectors of their respective districts all the authority they possess to collect taxes, make seizures of property, and perform the other duties pertaining to the position of deputy, and any misapprehension as to the source of their authority in this regard might cause serious embarrassments in the administration of the internal-revenue laws.

It is true that this office exercises a very close supervision over the appointment of deputy collectors in one respect, namely, as to the number that shall be employed in each district, deriving its authority to do so from that clause in section 3148, above referred to, which provides that deputy collectors are "to be compensated for their services by such allowances as shall be made by the Secretary of the Treasury, upon the recommendation of the Commissioner of Internal Revenue." By this provision of law, in connection with the sections giving the Commissioner of Internal Revenue absolute control of assignments to duty of gaugers and storekeepers, the responsibility for economy in the service is imposed upon this office. In pursuance of the duties involved in this responsibility, reports and returns are required from officers and taxpayers which enable this Bureau to determine at any time how and where reductions in expenses may be effected. Collectors are required to notify this office of all vacancies in their force of subordinates, and to make requisition for certification of eligibles to fill the same through this office. The announcement of a vacancy is frequently an occasion for this office to make a reduction in the force or to advise against filling a position the abolition of which has been decided upon.

In this connection I desire to call attention to the fact that the civil-service rulings contemplate correspondence directly between this office and the Commission in all matters preliminary to appointments in the internal-revenue service. The practice adopted in June last of requiring all communications to the Civil Service Commission to pass through the appointment division of the Secretary's Office has, so far as this office is concerned, been productive of much confusion, delay, and annoyance in the transaction of public business, apparently without serving any official purpose. Weeks and months have been consumed in the consideration of questions susceptible of prompt and definite solution, and, as shown by the inclosed letter, this deliberation does not always result in a decision in harmony with the statutes.

While final action in the matter of appointments made by the Secretary must of necessity rest with that officer, it is believed that this office, by reason of its intimate knowledge of the conditions of the service in every section of the country, is in a position to present with force and clearness the best interests of the service in all questions that may arise preliminary to final action.

For the above reasons I recommend that the provisions of circular No.

104, herewith inclosed, be not applied to communications concerning the outside internal-revenue service.

Very respectfully, W. S. FORMAN,
Commissioner.

The honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Treasury Department, Office of Internal Revenue, March 26, 1897. Hon. W. S. Forman, Commissioner. Returning letter of Feb. 27, 1897, relative to appointments of deputy collectors of internal revenue, and requesting change in practice under circular No. 104.

No. 3.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., June 2, 1897.

SIR: At the request of Senator Pritchard I hand you his letters of May 21 and June 2, containing suggestions respecting the exemption from examination of deputy collectors in the internal-revenue service and in the customs service.

In connection with the reasons presented I beg to invite your attention to the inclosed letter, dated December 30, 1894, addressed by this Commission to the President, stating reasons why the classification of these branches of the service would be nullified if deputy collectors were exempted.

The list of excepted places in both the customs and the internal-revenue service now includes a deputy or cashier in each district, who occupies a position of fiduciary trust, for whom the collector is under bond, and the Commission is strongly convinced that any further extension of the list of those excepted from examination would be harmful in its effects. With a change of Administration and an extension of the excepted list to include the most important and most attractive places in the service, to be distributed according to the dictates of partisanship or even personal corruption, the pressure for office would be concentrated upon these deputies, and a "clean sweep" would be inevitable. With every deputy a political appointee, the remaining employees would be certain to fall under influences inimical to the public interests.

It is very unfortunate that the customs service, and particularly the internal-revenue service, which is devoted exclusively to the collection of revenue, should in the past have been treated as a field for the reward of party service. My own knowledge of the service, particularly in the State of Kentucky, where there is a large force connected with the collection of internal revenue, warrants me in stating that the deputy collectors, gaugers, and storekeepers have taken an active part in political movements to the neglect of public business.

It is of the utmost importance, in order to secure a prompt, efficient, and honest collection of revenue, that the positions in these branches of the service should not hereafter be treated as rewards for political service, and so long as any considerable number of positions in those services are excepted from examination the entire service is in danger of being treated as political. I am aware that many of the present employees received their appointments purely through political influence, and that many of them are inefficient, but under the operation of

the civil-service rules all the inefficient can be removed from the service, and at the same time a halt can be called upon the pernicious practice of making appointments as rewards for party service, often of a nature far from creditable. In some sections of the South with which I am well acquainted the distillers control the "politics" of the locality, and would thus control the appointments of the very people who are to guard the interests of the Government against violations of law by the distillers.

There is some difference of opinion respecting the advisability of excepting the deputy collectors of internal revenue who are at the head of an independent office. The Commission believes that there will be less danger of excepting this class of deputies if the exception is so guarded as to prevent the putting in and the putting out of places at the will of nominating or appointing officers.

Very respectfully,

JOHN R. PROCTER, *President.*

The honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Wash., D. C., June 2, '97. Civil Service Comsn. Enc. letter Senator Pritchard rel. to the exemption from examn. of depy. collrs. of int. rev. and customs service. 3467. 21. Appt. Enc. 5.

UNITED STATES SENATE,
Washington, D. C., June 2, 1897.

SIR: I have had a talk with the Secretary of the Treasury, and I trust you will call Mr. Procter's attention to my letter in regard to deputy collectors of internal revenue. I desire in this connection to ask that you permit Mr. Hymans, my private secretary, to add to my letter deputy collectors of customs. Please have Mr. Procter refer my letter to the Secretary of the Treasury and ask his opinion as to who should be exempted. I write this to you and will take it as a personal favor if you will give this matter your immediate attention.

I have the honor to be, sincerely, yours,

J. C. PRITCHARD.

Hon. JOHN B. HARLOW,
Washington, D. C.

UNITED STATES SENATE,
Washington, D. C., May 21, 1897.

SIR: I have the honor to submit to you the following suggestions in regard to the classification of deputy collectors of internal revenue. In my judgment deputy collectors of internal revenue should be exempt from the operation of civil-service law for the following reasons:

First. They are not officers in the ordinary sense of the term, but are merely deputed to represent the collector during his term of office.

Second. The collector is responsible on his official bond for the conduct of his deputy, and in my judgment it is unjust to the collector that he should be held responsible for the acts of his deputy and at the same time not be allowed to select the men who are to act in his stead in the transaction of public business.

Third. Their tenure of office is uncertain and depends upon the continuation in office of the collector, and therefore they do not sustain the same relation to the Government that is sustained by clerks and other employees of the Government whose tenure of office is not subject to limitations, as is the case with deputy collectors. While there are many modifications that should be made in the application of the civil-service law, at the same time I feel sure that this is a modification the necessity of which will be recognized by the Commission over which you have the honor to preside.

Very respectfully,

J. C. PRITCHARD.

Hon. JOHN R. PROCTER,
President Civil Service Commission.

No. 3A.

DECEMBER 31, 1894.

SIR: In reference to the recent classification of a portion of the internal-revenue service under the civil-service rules, the Commission begs to invite attention to the following considerations why the entire service should be classified: As the classification now stands, one-fourth of the positions in the service, comprising the places of deputy collectors, are excluded from the terms of the classification, and the Commission is strongly of the view that these places should also be classified, and only such deputies, as the President may from time to time deem expedient, be excepted from examination. Very many of the positions of deputies left nonclassified are precisely those most important to put into the classified list. The Commission has found, from experience, that it is a real harm, with results which are far-reaching in the damage they do, to have in any classified office or service a large number of positions in reality left under the domain of the spoilsman. There are two great evils which always result if in any office or service there is such an unduly large proportion of nonclassified or excepted places, especially where they are in higher grade than those covered by competitive examination. These evils are, first, that it is impossible to get as good a class of men to enter the examinations. The best men are deterred if they feel that they are cut off from rising by promotion to the better places. Second, when so many positions are filled by political influence, when the men filling them are, as they generally are, active working politicians, there is invariably a tendency to put the rest of the force likewise under political influences. Men are appointed or removed for political reasons. Even less worthy motives have often great weight in appointments to and removals from these excepted or nonclassified positions, for where the civil-service law does not cover positions appointments are often dictated, not from motives that are political, but from motives that are personal and corrupt, and one of the great benefits that will come from the extension of the classification to the internal-revenue service is the elimination of just such motives. From its experience in the customs service the Commission is fully convinced of the unwisdom of making a classification which shall be in any sense elastic; that is, where, by the action of any executive officer below the President, the scope of the application of the rules can be expanded or contracted. It is possible that under the scheme of the classification adopted for the internal-revenue service, by merely increasing the number of deputies or by changing the designation of any position from clerk to deputy, much of the benefit of the classification in the remaining places, even so far as the rules extend, will be lost. A large number of the deputies are merely clerks, who are made deputies for the purpose of allowing them to administer oaths, etc.

The recommendation for the classification of the deputies is made to prevent the classification from being largely nugatory in its effects; and it is better not to classify a service or an office than to make a classification which is in a large part merely nominal, and which therefore tends to bring the law into disrepute. When classified, the list of excepted places can be made to include those few deputies who occupy a position of fiduciary trust, for whom the collector is under bond.

It is further recommended that this be done at once, as it will greatly simplify the Commission's work in holding the initial examinations. Great embarrassment will be experienced until the Commission knows whether the deputies are or are not to be classified. If not, while very much, and indeed, perhaps, most of the benefit of the classification of the

service will be lost, the Commission can still prepare registers of eligibles, but it earnestly hopes that the deputies will be classified. If this is done, a much more symmetrical and satisfactory scheme of examinations will be possible.

We beg to add, that after full and careful consultation with internal-revenue officers who are specially familiar with the needs of the service, our conviction is strongly confirmed that nothing would so much tend to benefit the internal-revenue service as the classification of the deputies. Should there be a change of administration while the internal-revenue force is classified, as at present, the most important and most attractive places in the service will still be left to be distributed according to the dictates of partisan greed or personal corruption. The pressure for places in the internal-revenue service will all be concentrated upon these deputies, and a clean sweep would be made; and when a clean sweep is made in one part, the remaining force is certain to be demoralized, and may be largely changed in the manner pointed out in the letter of Mr. French Tipton, a prominent and reputable citizen of Kentucky, who is competent to speak from a full knowledge of the subject. A copy of this letter is inclosed.

Very respectfully,

JOHN R. PROCTER,
CHAS. LYMAN,
THEO. ROOSEVELT,
Commissioners.

The PRESIDENT.

No. 4.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., June 9, 1897.

SIR: Referring to the inquiry contained in your letter of the 3d instant, as to whether you may be permitted to select your deputies without regard to the rules governing those under the the civil service, I have to say that in each case the appointment must be made as provided by the revised civil service rules.

Respectfully, yours,

O. L. SPAULDING,
Acting Secretary.

The COLLECTOR OF INTERNAL REVENUE,
Boston, Mass.

No. 5.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., July 21, 1897.

GENTLEMEN: Referring to your inquiry of June 2, ultimo, I have the honor to suggest, in furtherance of the proposed amendments of civil-service rules therein referred to, that as to deputy collectors of internal revenue it be provided as follows:

(1) That in each collector's office where the number of employees exceeds four one deputy in addition to the deputy provided for in existing rules be placed in the excepted class, so that both the chief deputy and a deputy acting as cashier shall be excepted.

(2) One deputy in each stamp office, or branch, where the salary exceeds $300 per annum.

In order to determine the qualifications of the persons to be selected by the collector for filling offices of the excepted class, I am of opinion that such persons should be required to pass a noncompetitive examination before the local board of civil-service examiners, the standard of such examinations to be the same as that prescribed for competitive examinations for deputies.

I recommend that the civil-service rules be amended in accordance with the foregoing suggestions for the reason that the deputies referred to in paragraph 1 are charged with duties of a confidential character as well as administrative functions; and those referred to in paragraph 2 are responsible for stamps of large value and the daily receipts resulting from sale of same. It seems proper therefore that in each of these cases the collector should be able to select from persons who are known to him, and whose reputation for integrity is well established, to fill these offices.

Respectfully, yours, L. J. GAGE,
Secretary.

The UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C.

No. 6.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., August 4, 1897.

SIR: Referring to your letter of July 28, transmitting a letter of July 26 from the Commissioner of Internal Revenue, relating to the temporary appointment of eight deputy collectors under the proviso of Rule VIII, section 12, in the district of Georgia, without certification by the Civil Service Commission, the Commission has to state that in this case, as in several others lately brought to its attention, temporary appointments under this proviso of Rule VIII have been made without so much as a notification by the Department of the appointments. The Commission suggests that its authority should be obtained in all cases of temporary appointment, and that it should be notified of such appointments as soon as made.

In an opinion dated July 25, 1896, the Comptroller of the Treasury decided that Rule VIII only authorizes temporary appointments "subject to the approval of the Commission," and that "it seems quite clear that no payment could be made to the person employed thereunder until his appointment was approved by the Commission."

Very respectfully,

JOHN B. HARLOW,
Acting President.

The honorable the SECRETARY OF THE TREASURY.

No. 7.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., August 17, 1897.

SIR: The Commission is in receipt of a report from the collector of internal revenue at Little Rock, Ark., showing the appointment of John F. Mayes to the position of stamp deputy without examination and certification.

The Commission will be pleased to receive the Department's statent as to whether this position is regarded as coming within the classified service under the provisions of Rule III, section 8, clause (*a*), whether the position is regarded as having been excepted under use (*c*), "Internal Revenue Service," of Rule VI, as amended on July 1897.

Very respectfully, JOHN B. HARLOW,
Acting President.

The honorable the SECRETARY OF THE TREASURY.

No. 8.

INTERNAL REVENUE SERVICE,
SIXTH DISTRICT OF INDIANA, COLLECTOR'S OFFICE,
Lawrenceburg, Ind., August 20, 1897.

SIR: Can the deputy collectors in this district, holding positions not ject to competitive examinations, be removed at my pleasure for itical, religious, or other merely personal reasons?

Are these same deputy collectors in the classified civil service? es the determination of the Honorable Acting Commissioner of Inter- Revenue G. W. Wilson that "the cashier, chief deputy, or assistant lector shall be subject to competitive examination," made in Janu- last, still stand?

Respectfully, yours, WM. H. BRACKEN,
Collector.

Hon. LYMAN J. GAGE,
Secretary United States Treasury, Washington, D. C.

No. 9.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., September 2, 1897.

SIR: The Commission is in receipt of a communication from James Leath to the effect that Emil S. Helburn has been appointed as porary deputy collector of internal revenue, eighth district of ntucky.

There is an ample register of eligibles for that district.

Please inform the Commission of the facts in the case, stating the sons why this position was not filled from the eligible register.

Very respectfully,

WILLIAM G. RICE,
Acting President.

The honorable the SECRETARY OF THE TREASURY.

No. 10.

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., September 4, 1897.

SIR: I have the honor to inclose herewith copy of letter received m Mr. James D. Brady, collector of internal revenue for the second

district of Virginia, dated September 3, 1897, in regard to his action in respect to appointments of subordinates, which he requests to have forwarded to the United States Civil Service Commission.

Very respectfully,

G. W. WILSON,
Acting Commissioner.

To the honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Treasury Department, Office Internal Revenue, September 4, 1897. Hon. Geo. W. Wilson, Acting Commissioner. Enclosing for transmittal to C. S. Commission copy of letter from collector 2nd dist. Va., in regard to his appointments of subordinates.

No. 10A.

INTERNAL-REVENUE SERVICE,
SECOND DISTRICT OF VIRGINIA,
COLLECTOR'S OFFICE,
Richmond, Va., September 3, 1897.

SIR: Pending my report on Form 204, which I will forward in a few days, I have the honor to inform the Department on my action in respect to the appointments made upon my assuming the duties of collector of this district on 1st instant.

First. As authorized by the President's recent order amending the civil-service rules, I made the following appointments, viz: Chief deputy; one deputy in the Richmond office, where the number of employees is four; one deputy at Petersburg and one deputy at Norfolk, both places being stamp (or branch) offices.

Second. Under the provisions of Rule IX, civil-service rules, I reinstated two former deputy collectors, both of whom were in the military service of the United States in the late war of the rebellion and were honorably discharged therefrom, each of these worthy veterans being qualified in every respect, physically and mentally, to perform the duties of their respective positions.

Third. After the foregoing appointments and reinstatements were made, I called upon the secretary of the civil-service board here to furnish me with a list of eligibles for appointments in the internal-revenue office of this district, and I was notified in writing by him that there were only two names on said list. Under the civil-service law and regulations, as I was recently advised by the official to whom I was referred during my recent call in person at the office of the Civil Service in Washington, D. C., I was authorized to demand that a list of eligibles containing three names be furnished me, which demand the board here was unable to comply with. The two names on the list were further defective because the grade does not appear thereon, and I was given to understand that each of the persons whose names are on said list had made application for appointment as United States gaugers.

Fourth. There being no such list of eligibles as the law directs furnished me, I made all other appointments in the district under the provision of section 12, Rule VIII, of the civil-service rules, and was careful to notify in writing each of said appointees of his "temporary appointment for emergency."

In thus making my appointments I believe that I have strictly observed the law and civil-service regulations, and that I have carried out the views of the Department as expressed to me in person upon

two different occasions during my consultations held with Hon. George W. Wilson, Acting Commissioner of Internal Revenue, a few days prior to my taking charge of the office. I made this special report because of the howl over my appointments by the partisan Democratic newspapers of Virginia and by the leading free-silver spoilsman. I feel confident that I have not only acted in this matter according to law, and as an evidence of my desire to carry out the spirit of the civil-service regulations I have appointed four of Collector Ryan's former employees, viz, Deputy Collectors Talbott, Enders, Dashiell, and McHugh. It is a fact that I have not made a single removal from office. Those who were in office in this internal-revenue district before the 1st day of September, 1897, were commissioned by and bonded to my predecessor, and their terms of office expired when Collector Ryan went out of office, the law, in my judgment, being clear and explicit upon this point.

I respectfully request that a copy of this letter be furnished to the Civil Service Commission, and if my action in the premises is not approved I desire to be fully advised of the objections thereto.

Respectfully,

JAS. D. BRADY,
Collector.

To the Hon. WILLIAM S. FORMAN,
Commissioner Internal Revenue, Washington, D. C.

(Indorsed:) Copy. Richmond, Virginia, September 3, 1897. Jas. D. Brady, collector. Relative to appointments under civil-service regulations.

No. 11.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., September 7, 1897.

SIR: Under date of September 2 the Commission referred to you two telegrams complaining of a nearly clean sweep of the employees in the internal revenue service at Richmond, Va., and the appointment of persons in their stead without examination, notwithstanding the fact that there are names of eligibles upon the register. One of these appointments is that of a chief deputy and two of stamp deputies—presumably to positions excepted from examination—to which appointments can not be made, under the amendment of the rules of July 27, 1897, without an examination, to be prescribed by the Secretary of the Treasury and conducted by this Commission.

The Commission would be glad to know of any action taken in the matter by the Treasury Department, in order that reply may be made to the complaints referred to.

Very respectfully,

WILLIAM G. RICE,
Acting President.

The honorable the SECRETARY OF THE TREASURY.

No. 11½.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., September 10, 1897.

GENTLEMEN: I inclose herewith copy of a letter from the Acting Commissioner of Internal Revenue in relation to the lists of persons in

several districts eligible for appointment to the position of deputy collector of internal revenue.

In view of the statement contained in said letter, the Department desires to impress the fact that the efficiency of the service demands that special care should be taken in the final selection of eligibles as to personal character and habits as well as to physical condition.

Respectfully, yours,

L. J. GAGE, *Secretary.*

The UNITED STATES CIVIL SERVICE COMMISSION.

No. 11½A.

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., August 26, 1897.

SIR: Collector P. B. Hunt, of the fourth district of Texas, reports to this office that he had occasion to go to the eligible list provided for his district to select deputies, and found that of the four persons registered thereon, one was holding a position which he is not inclined to abandon for the purpose of entering the internal-revenue service, another is a man of such dissipated habits as to unfit him for the duties of the position, another man has left the community under a cloud connected with some business transaction, and that the fourth is a stranger to him and that he has not time nor opportunity to ascertain his fitness for the place.

This report, taken in connection with other reports recently received as to the unsatisfactory character of eligibles furnished by the Civil Service Commission, induces me to call your attention to the matter, with the suggestion that more care should be taken by those responsible as to the moral and physical qualifications of those permitted to enter the examinations.

Notice was recently received from the collector of the eighth district of Kentucky that one of the three names on the eligible list for selection for the position of traveling deputy is that of a man so badly crippled as to be unable to perform the duties required in that position. Collector Rucker, of the district of Georgia, referred to the eligible list for a man qualified for the duties of fruit brandy deputy, and found that the man at the head of the register had been dismissed from the postal service for habitual drunkenness. Request has been made on the Commission that this man be removed from the eligible register.

Very respectfully,

G. W. WILSON,
Acting Commissioner.

The honorable the SECRETARY OF THE TREASURY.

No. 12.

HAGUE, VA., *September 10, 1897.*

DEAR SIR: I beg leave to submit to you the following statement of my removal by Mr. James D. Brady, the internal-revenue collector for the second district of Virginia, from the position as deputy collector in the office of the said internal-revenue department for said second

district, and to ask of you such redress as I may be entitled, under the United States Statutes, as to civil service, and the rules, regulations, and orders bearing thereon. I was appointed by Mr. William Ryan, the predecessor of Mr. Brady in said office, and who held said office until the 1st day of September, 1897. I was appointed on the 21st day of September, 1893, and duly entered upon the performance of the duties required of me on the 21st day of September, 1893. I held said position and duly performed said duties until the 1st day of September, 1897. No complaint was made of the performance of my duties either by Mr. Ryan or by Mr. Brady. On the 1st day of September, 1897, I was informed by Mr. Brady that when I was appointed I was appointed only for the balance of the term of office of Mr. Ryan; that Mr. Ryan's term and tenure of office had ceased by his (Mr. Brady's) taking charge of the said office; that thereby the said position held by me became vacant. Mr. Brady informed me that he had no charge to bring against me, but that the position was vacant for the reason above stated, and that he could not reappoint me.

I respectfully insist that Mr. Brady is mistaken in his view of the law pertaining to my right to hold said position. I claim that I was not appointed for any term, and that, even if I was originally appointed to hold the position only during the time that Mr. Ryan should hold the collectorship, yet, as the position I held was, by the order of President Cleveland, issued on the 6th day of May, 1896, brought under the terms and effect of the statutes of the United States as to civil service, I could not be removed except for cause. I also submit that I was, and am, protected in said position by the order of His Excellency President William McKinley of July 27, 1897, set forth in the circular, No. 122, lately issued by you, a copy of which I herewith submit.

I therefore ask that you will examine into the matter herein stated and give me proper redress by securing my reinstatement into office. I have been informed that Mr. Brady claims his right to declare my position vacant by virtue of section 3148 of the Revised Statutes of the United States, as amended by the act of Congress, 1879.

I respectfully submit that so much of said section as conflicts with the civil-service act of January 16, 1883, was repealed by said act, such repeal to take effect as soon as the President brought the position held by me within the effect of the latter act.

I ask to submit the accompanying paper as supporting my claim of said repeal. I also file a copy of a letter from me to Mr. Jas. D. Brady, and his reply thereto.

Very respectfully,

THOMAS BROWN.

Hon. L. J. GAGE,
Secretary of the Treasury, Washington, D. C.

(See argument attached to A. R. Gunn's letter.)

(Indorsed:) Hague, Va., September 10, 1897. Thos. Brown. Statement of his removal by collector internal revenue, second district.

No. 12A.

RICHMOND, VA., *September 9, 1897.*

DEAR SIR: I hereby notify you that I claim I am still the incumbent of the office of deputy collector, which I have held for several years under William Ryan, esq., collector, and that I hold myself ready and

willing to perform all the duties of that office which you, as internal-revenue collector, may require. I claim that I can only be removed from that office by proper proceedings, as prescribed by the President of the United States under the civil-service act.

If you claim to remove me for cause, please specify in writing your charges or grounds of complaint, and I will then take proper steps to make my defense before the proper tribunal.

Very respectfully,

THOS. BROWN.

JAS. D. BRADY, Esq.,
Collector Internal Revenue, Second District of Virginia.

No. 12B.

RICHMOND, Va., *September 10, 1897.*

SIR: In reply to your letter of the 3d instant, I have to say that Collector William Ryan's term of office having expired on August 31, 1897, your appointment as deputy, commissioned as such by him, expired under the law with his term of office; hence you have had no official term in this office during my term as collector of the district.

Respectfully,

JAMES D. BRADY, *Collector.*

THOMAS BROWN, Esq., *Hague, Va.*

No. 13.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., September 11, 1897.

GENTLEMEN: I have the honor to acknowledge receipt of your letter of the 7th instant, relative to the appointment of deputy collectors of internal revenue by James D. Brady, collector of the second district of Virginia.

You state that the appointments in question were made without examination, notwithstanding the fact that there were names of eligibles upon the register. In this connection permit me to call your attention to accompanying letter of Collector Brady, addressed to the Commissioner of Internal Revenue, and explaining how and why he made the appointments in question.

Before considering specifically the particular cases referred to by Collector Brady, I have to advise you that I am of opinion that section 3148, Revised Statutes, clearly provides that the term of a deputy collector is entirely dependent upon the will of the collector by whom he is appointed, and that the amendments of civil-service rules adopted July 27, 1897, in no way modified or abridged the collector's power of appointment, except that the person whom he shall select for appointment must at some time pass a noncompetitive examination approved by your Commission to test his qualifications for the place. It is obvious that an incoming collector can not or ought not to delay for a day even the appointment of his deputies. It is not, therefore, practicable or possible to await the result of a noncompetitive examination *before* organizing the collector's force, and it becomes imperatively

necessary to appoint, subject to future noncompetitive examination, upon the result of which will depend the retention of the appointees.

Eligible registers are not, it seems to me, a factor in cases arising under amended Rule VI, because if a collector be dependent upon them his statutory right of selection will be too seriously abridged, and the very object of the amendment defeated. In fact there are grave doubts as to whether he can be forced to appoint any deputy not of his own selection, either under Rule VI or the general rules; but, on the other hand, it is admitted that the person selected by him must possess the qualifications prescribed by law before their appointments can receive final approval. It is believed that both the spirit and intent of the law will be complied with by requiring that each of the deputy collectors appointed by Collector Brady under Rule VI, at the earliest practicable moment, be subjected to a noncompetitive examination, for the doing of which immediate steps will be taken.

I shall be pleased to have you submit your views as to the force and effect to be given to section 3148, Revised Statutes, in dealing with appointments of deputy collectors of internal revenue.

Respectfully, yours,

L. J. GAGE, *Secretary.*

The UNITED STATES CIVIL SERVICE COMMISSION.

No. 14.

The Commission did not reply by letter to the above communication, but President Procter, of the Commission, submitted in person the following memoranda:

STATEMENT OF THE CASE.

It is contended that the term of office of a deputy collector of internal revenue falls eo instanti whenever a collector of internal revenue vacates his office, which collector has appointed the said deputy.

ARGUMENT.

No reason is given for the above contention, but it is understood that the reasons outlined in the decision of the Comptroller of the Treasury, dated June 7, 1897, in which the said official held that a deputy marshal's right to his office ceased immediately upon the expiration of the term of office of the marshal who appointed him, are claimed to be directly in point and apply with equal force to the issue herein.

In the decision referred to the following is found:

> That the term of all deputy marshals appointed under the provisions of the Revised Statutes prior to the taking effect on July 1, 1896, of sections 6 to 23 of the act of May 28, 1896 (29 Stat. L., 140, 179-186), expired with the termination of office of the marshal who appointed them, except for certain purposes specifically provided by the statute, has never been doubted, so far as I know. That such was the case seems clear from the very nature of the position which these deputy marshals held and from the provisions of the statute relating to their appointment, powers, and duties.

It is in the last sentence quoted that the gist of the holding lies, the Comptroller arriving at his conclusion from "the very nature of the positions which these deputy marshals held," together with "the provisions of the statute relating to their appointment, powers, and duties."

It will be readily admitted that in order that the quoted decisions may be said to apply to the issue herein it will be incumbent to show

that there is a parity between the offices of deputy collector and deputy marshal, and that the two offices are closely analogous, and to that end let us compare the position of a deputy marshal with that of a deputy collector, and also compare the provisions of the statutes relating to the appointment, powers, and duties of a deputy marshal and the provisions of the statutes which relate to the appointment, powers, and duties of a deputy collector.

It is first observed that the Government of the United States is divided into three great branches, viz, the legislative, executive, and judicial. Each of these branches is separate and distinct in itself, the functions performed by each being set out specifically in the Constitution and in detail by statute, and the duties performed by officials in these different branches have but little in common. The marshal's office is a part of the judicial branch of the Government, the collector's office is a part of the executive branch of the Government, and the officers and offices under consideration are different in every respect, have nothing in common, and no possible analogy can be drawn between the two.

It is not to be understood that it is claimed a deputy marshal is what is technically called a judicial officer in the sense that he is vested with the powers to hear and determine controversy, but it is maintained that he is an officer who has to do wholly with the judicial branch of the Government, whose duties lie wholly within the sphere of the judicial branch, in that he is the officer who enforces by personal act the mandates of the judiciary. A single illustration will suffice: The President—that is, the Chief Executive Officer—could not by Executive order compel or authorize the marshal to do a certain act. The order which the marshal obeys must come from the judiciary; contra, however, the President might, under certain circumstances, by Executive order authorize and compel a collector to do a certain act. Much might be said upon the point, but the proposition is so plain as not to need further argument with those versed in the theory and form of our Government.

In discussing the question of the term of office of deputy marshals, and citing sections of the Revised Statutes, the Comptroller says:

> The persistent use of the words "his" and "their" deputies seems clearly to indicate the personal relation which the deputy held to the particular marshal who appointed him, and whose agent and servant he was, and who had no duties except those prescribed for him by his principal.

Now, it is noted that this part of the argument is based upon the wording of the different sections of the statutes relating to marshals and their deputies, but on reference to the sections of the Revised Statutes referring to collectors and deputy collectors no such or kindred phrases appear, but, on the contrary, no personal relation exists between the collector and his deputies. The deputy collector is not an agent or servant of the collector, and the deputy collector does not carry out duties prescribed for him by the collector, but deputy collectors' duties are clearly and specifically prescribed and defined by law. A reference to paragraph 2, section 3148, Revised Statutes, as well as to the other statutes regarding said office, is proof of this statement. A marshal must take an oath and must give a certain bond, and, as the Comptroller says, the deputies must take the same oath as that required of a marshal; but a collector of internal revenue is not required to take an oath, and neither is any oath required of the deputies. Is it not readily seen, then, that there is no parity or analogy between the statutes relating

to the appointment, powers, and duties of the offices and officers compared?

Attention is now called to the tenure of the marshal, which is limited by law, and is what is known as a fixed term. Section 779, Revised Statutes, says: "Marshals shall be appointed for a term of four years," but a reference to the statute governing in this respect as to the tenure of a collector (see section 3142, Rev. Stat.) discloses that the collector or deputy collector has no fixed term, said office being among those held at the pleasure of the appointing power, and, as is well known. such an office is terminated, outside of death or resignation, at the will of the appointing power. This condition brings us at this point to a discussion as to when and under what particular circumstances an office held at the will of the appointing power terminates. There is a marked difference between offices that have a fixed tenure by law and those that have no fixed tenure, but are terminable at the will of the appointing power. In discussing the provisions of a statute which provides that an incumbent hold an office for a fixed term, Mr. Mechem, in his work on Public Offices and Officers, section 397, says:

> When, however, no such provision is made the question of the right of the incumbent to hold over is not so clear, but the prevailing opinion in this country seems to be that unless such hold over be expressly or impliedly prohibited the incumbent may hold over until someone else is elected and qualifies to assume the office.

It may be said that authorities are plentiful in support of this proposition, it being held to be necessary, in the transaction of the business of the Government or a corporation, that the machinery shall not be stopped; and further, in section 445, Mr. Mecham says:

> When, therefore, the tenure of office is not fixed by law, and no other provision is made for removal either by the Constitution or by statute, it is said to be a sound and necessary rule to consider the power of removal as incident to the power of appointment.

In the circuit court of Louisiana a United States judge notified a clerk of his court that he proposed to appoint another in his stead, giving no reason whatever therefor except that it was his personal prerogative so to do. In reviewing the case our Supreme Court in re Hennen (13 Peters, 230) said: "The power—that is, the appointing power—vested in the court was a continuing power, and the mere appointment of a successor would, per se, be the removal of the incumbent so far, at least, as his rights were concerned," thus carrying out the doctrine quoted above that, when one holds an office at the pleasure of any person, the appointing of another by that person is equivalent to the removal of the present incumbent, but that the appointment of the other person is necessary before the present incumbent can be legally separated from his office. In this case the clerk of the court held his office at the pleasure of the United States judge, the same as a collector of internal revenue holds his office at the pleasure of the President or a deputy collector holds at the pleasure of the collector, and the tenure is the same in both cases.

Further, and upon the same point, the United States circuit court in Pennsylvania, in the case of Bowerbank *v.* Morris, reported in Wallace, p. 118, a marshal by virtue of his office sold numerous parcels of land, the said marshal under the then existing law having no fixed term of office, but holding such office at the will of the appointing power, the same as a collector or deputy collector does to-day. After part of the parcels of land and before all had been sold another marshal was appointed, a number of days elapsing between the appointment of the

new marshal and his qualification to and his demand for the office. An issue arose as to whether the sales made before the old marshal had received notice of the appointment of his successor were valid, and the doctrine of hold over in an office held at the will of the appointing power was the question involved. The court said, regarding the matter of hold over and removal from an office held during the pleasure of the appointing power:

> But when shall he be said to be removed? A removal from office may be express, that is, by a notification by order of the President of the United States that an officer is removed, or impliedly by the appointment of another person to the same office. The removal here was effected by a new appointment, or, as his honor the Chief Justice observed, it is an implied removal by commissioning another to the office. The President does not remove the old marshal by discharge and then proceed to make a new appointment, but he leaves the old marshal to proceed in the duties of his office until certain acts are done relative to a new one, which amounts to a removal. * * * In the case of an implied removal by the appointment and acceptance of another, nothing is more reasonable than that all acts done by the predecessor before notice of his removal should be valid, or, in other words, that until such notice the removal is not complete.

Note well the ending words, "that until such notice the removal is not complete."

Now, if this means anything it certainly means that the marshal, who held his office under exactly the same tenure that a collector or a deputy collector now holds his, held over, and his removal was not made until due notice had been brought home to him that his successor had been duly appointed and qualified. If this be sound doctrine as far as the marshal is concerned, is it not sound doctrine as far as a collector or a deputy collector is concerned, when the term of their office is subject to exactly the same conditions?

The suggestion has been made that section 3149, Revised Statutes, must be construed to mean that the right of a deputy collector to his office terminates by law when another collector succeeds. It would seem, however, upon reading the entire section that such a construction is forced and unwarranted. The second paragraph of the section, upon which reliance is placed, says:

> In case of a vacancy occurring in the office of the collector, the deputies of such collector shall continue to act until his successor is appointed.

Now, if the paragraph stopped here, or if these words were all that the section contained, there would be great force in the contention; but the words quoted are but a very small portion of the entire section. Previous to the quoted words the section provides that in the sickness or absence of a collector, or on the occurrence of a temporary disability to discharge his duties, the collector may devolve them upon a deputy, or, if such has not been done, the senior deputy shall perform the duties of the collector, and after the quotation mentioned the statute says:

> And until a successor is appointed the deputy of such collector senior in service shall discharge all the duties of the collector, and also the duties of disbursing agent. * * * When it appears to the Secretary of the Treasury that the interest of the Government so requires, he may, by his order, direct the said duties to be performed by some other one of the said deputies as he may designate.

There is no sounder doctrine in the construction of statutes than that we are not at liberty to pick out a sentence, or a part of a sentence, in a statute and give it force and effect not contemplated nor within the purview of the whole of the statute. Reading all of the terms of this section together, then—which is clearly the way to construe the law—what is the intent of section 3149, and to what end was it made law? It seems to be clear that it was solely for the purpose, not of continuing

ıe deputies in their office, but that it was for the purpose of providing ›me one in the person of a deputy to discharge the duties of the office ' the collector. Suppose there were no such statute, could it be suc- ›ssfully contended that upon the death of a collector the entire machinery ' his office must cease, and that because of the death of the collector ıe term of office of all persons appointed by him ceased *eo instanti?*

Such a contention is entirely contrary to all known law and usage, ıd especially in contravention of the decisions and doctrines quoted hen the tenure of these persons are not fixed to a certainty. The overnment of the United States is not a partnership where, upon the ›ath of one member, all partnership acts must cease. The Govern- ent in all of its various branches is a corporation designed for perma- ›nt existence, and even where the law does not specify that upon an fice being vacant a certain person shall succeed to the duties of that fice for the time being, yet some one is always found who, under a :oper construction of the law, can lawfully perform the duties which 'e necessary for the corporation's existence. This is sound law, and but a fulfillment of the doctrine of hold over and removal, and has ›en legally passed upon many times in the last century, and, as has ›en stated, "the view adopted by the American courts seems to be that the absence of any restrictive provisions the officer is entitled to hold ıtil he is superseded by the selection (or appointment) of another ›rson in his place."

Turning again to section 3148, we find that a collector may appoint ı many deputies as he may think proper, but note well that these ›puties are not compensated for their services by the collector, the ›llector does not prescribe the duties of his deputies, and, although ıe collector has the power to revoke the appointment of his deputies, ıis revoking power is coupled with a limitation, viz: That he must give such notice thereof as the Commissioner of Internal Revenue ay prescribe." Sifted down, then, the only absolute power that the ›llector has, in so far as the question at issue is concerned, is that he ay appoint. Everything else to do with the office of deputy is sub- ct to limitation.

There was a time in the early history of this country when the word deputy" was applied only to offices within the judicial branch of the overnment, but such has not been the case for a long space of years. riginally the word deputy, as applied to an individual, meant one to hom the powers of another were deputed, and when the deputy ight be said to have been but the shadow of his principal; but the ord deputy as used to-day in connection with many, and it might be ıid in nearly all, of the offices under the Government means an assist- ıt—someone authorized to act in place of another on account of ıat other's inability to be in several places at the same time—or to :ovide that certain acts be done, notwithstanding the fact that one dividual can not do all things connected with the duties of the office ' which he is the incumbent. It is said (Webster's Dictionary) that ıe word "deputy" is used in composition with the names of various :ecutive officers to denote an assistant empowered to act in their ıme, and in such a connection it is synonymous with substitute, rep- ›sentative, delegate, etc. We have no right to construe this word ›puty as applied to a deputy collector in the old and narrow way when ıe provisions of the statute clearly indicate that it is used in an ıtirely different sense. I am willing to grant that where the affinity ›tween a principal and his deputy is so close that it is impossible to 'aw a distinguishing line between the two, because the appointment,

powers, duties, and removal of the deputy is absolutely and solely dependent upon his principal to such an extent that the deputy is simply and solely *alter ego*, there might be some force in the contention that the *alter ego* ceased to exist when the principal ceased, but, as has been shown, there is no such peculiar relation between a collector and his deputy.

In reviewing the duties of a deputy collector as outlined in the statute I submit that the word "deputy" as applied to a collector does not indicate in any manner that close personal relation whereby it can be said that the office of the deputy collector falls with the collector because of "the very nature of the position which these deputies (marshals) held and from the provisions of the statutes relating to their appointment, powers, and duties." Rather does the office of deputy collector fall within that class of offices the incumbents of which hold over until some one else is appointed and qualified to assume the office.

Starting anew, then, with the proposition that a deputy collector holds over in his office until another person is legally appointed to take his place, we are to inquire as to what the law requires in order that a deputy collector may be legally appointed.

Section 1753, Revised Statutes, authorizes the President "to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of the service into which he seeks to enter, and may establish regulations for the conduct of persons who may receive appointment in the civil service," and the act of January 16, 1883, known as the civil-service act, goes into a considerable detail in regard to what these regulations shall be and what persons and offices may be included in the civil service. Without discussing this matter at length, it may be briefly stated that the President by Executive order and the action of the Secretary of the Treasury dated October 6, 1896, brought within the classified service the offices of deputy collector, and a deputy collector is now in the classified service and the office is subject to the provisions of the civil-service act.

The said act and regulations prescribed thereunder by the President provides a way whereby one may obtain an appointment into the classified service, and it is needless to say that an appointment otherwise than under the terms of this act is invalid. The civil-service act was a general law, the clear intent of which was to provide a certain specific way in which persons could enter the civil service of the Government. Such being the expressed intent of the act, it naturally and logically follows that this act must be read in connection with all other acts which have to do with the appointment of one into the classified service. Now, it is true that section 3148 recites that the collector may appoint as many deputies as he deems proper, but at this point the act of January 16, 1883, steps in and says how and under what conditions such an appointment shall be made, and the only conclusion to be reached is that the collector may appoint, subject to conditions imposed by the civil-service act, as many deputies as he may think proper.

No extended argument is needed upon this proposition. The civil-service law has been held to be constitutional, the right of the President to include within the classified service the deputy collectors has never been questioned, and until the act is repealed and so long as the President keeps the office of deputy collector in the classified service no one can be appointed to such office except through the civil service. In what condition then is a deputy collector, the collector who appointed

im having vacated the office and another collector having been ppointed. We have seen that the deputy's office does not fall upon a acancy arising in the office of the collector, but the deputy holds over ntil his successor is duly appointed, and his successor can not be ppointed except through the civil service, consequently he must be eld to be rightfully entitled to his office until someone else is duly ppointed to said office through the civil service.

There is another phase to this part of the controversy, leaving out ntirely the effect that the civil service act may have. Section 3148 tates that a collector shall have the power to revoke the appointment f a deputy, but, as has been heretofore stated, the same section says hat the collector must "give such notice thereof as the Commissioner f Internal Revenue may prescribe." Now, as a matter of fact, the ommissioner of Internal Revenue has prescribed what notice shall be iven in such cases, said notice being evidenced by Commissioner of nternal Revenue's circular No. 480, and it is obvious that under the aw the collector can not revoke the appointment of any deputy except y the prescribed method of notice outlined in said circular No. 480.

To sum up the argument and apply it to facts it would appear that he right of a deputy collector to his office continues until his successor s legally appointed; that his successor can not be legally appointed ntil the present incumbent is either expressly or impliedly removed; hat he can not be removed except upon such notice as has been precribed by the Commissioner of Internal Revenue in his circular No. 80, and, further, that his successor can not be appointed except by and hrough the method of the civil-service act.

No. 15.

INTERNAL REVENUE SERVICE,
SECOND DISTRICT OF VIRGINIA, COLLECTOR'S OFFICE,
Richmond, Va., September 11, 1897.

SIR: I have the honor to report that I received to-day a telegram rom Assistant Secretary F. A. Vanderlip, of which the following is a opy, viz:

WASHINGTON, D. C., *September 11, 1897.*

OLLECTOR OF INTERNAL REVENUE,
Richmond, Va.:

Forward at once copies of letters appointing to and perpetrating from the service eputies Denoon, Epps, Woods, Gaskins, Brown, and Gunn.

F. A. VANDERLIP, *Assistant Secretary.*

I presume that the word "perpetrating" in above telegram was ntended to be "separating," and I immediately replied thereto by wire o you as follows:

o the honorable COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C.:

In answer to Assistant Secretary Vanderlip's telegram just received, I report hrough you to him that I have neither appointed nor separated from the service eputies Denoon, Epps, Woods, Gaskins, Brown, and Gunn; but will have records f my predecessor examined, and if desired data is obtainable will promptly forward ame.

JAMES D. BRADY, *Collector.*

To enable me to make prompt report in response to the foregoing equest of Assistant Secretary Vanderlip, I have made an examination

of such of the records of my predecessor as are accessible, and I find a press copy of the following letter to ex-Deputy Collector Brown, viz:

INTERNAL REVENUE SERVICE,
SECOND DISTRICT OF VIRGINIA, COLLECTOR'S OFFICE,
Richmond, Va., August 31, 1897.

THOS. BROWN, Deputy Collector,
Hague, Va.

SIR: I have just been advised that the construction placed upon civil-service law by the authorities at Washington is that the commission of all deputies expires with the term of collectors, and that Colonel Brady does not expect to reappoint any of my division deputies. You will therefore do no official work after this date.

WM. RYAN, *Collector.*

I do not find any record showing that my predecessor sent a similar notice to Messrs. Denoon, Epps, Woods, Gaskins, and Gunn, who held office in this internal-revenue district by appointment of Collector Ryan, whose term of office expired on August 31 last, but I understood on August 31 last, before I was sworn in as collector, that like notices would be sent to all of these ex-officials.

The old records kept by my predecessor, which may perhaps show the appointments of the persons named in the above telegram from Secretary Vanderlip, are not at hand, but I will have search made for them, and if the desired information is obtainable I will promptly advise the Department.

In this connection it is proper that I should report that I sent to each of the former appointees of my predecessor, Collector Ryan, who have addressed me on the subject, a letter, of which the following is a copy:

INTERNAL REVENUE SERVICE,
COLLECTOR'S OFFICE, SECOND DISTRICT OF VIRGINIA,
Richmond, Va., September 4, 1897.

R. F. GASKINS, Esq.

SIR: In reply to your letter of the 3d instant, I have to say that Collector William Ryan's term of office having expired on August 31, 1897, your appointment as his deputy, commissioned as such by him, expired under the law with his term of office, hence you have had no official tenure in this office during my term as collector of the district.

Respectfully, JAS. D. BRADY,
Collector.

If further information in regard to the matter is desired, please inform me and I will endeavor to furnish it.

Respectfully, JAS. D. BRADY,
Collector.

The honorable COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C.

No. 16.

INTERNAL REVENUE SERVICE,
SECOND DISTRICT OF VIRGINIA,
Richmond, Va., September 13, 1897.

SIR: In obedience to instructions contained in your letter, "L. S. R.," dated 2d instant, I have the honor to request that requisitions be made upon the United States Civil Service Commission for proper certifications of eligibles for the positions of deputy collectors of internal revenue in the places of the following temporary appointments, made for emergency, which action was approved by your office and the honorable Secretary of the Treasury, as advised by your said letter dated 2d instant.

The names, positions, and salary per annum of said deputy collectors, temporary appointees, were duly reported by me to your office in statement showing the organization of the district, Form 204, revised, from September 1, 1897, and are as follows, viz:

Benjamin Taylor McCue, deputy collector	$1,100
Asa Rogers, jr., deputy collector	1,100
Edward Thompson, deputy collector	1,000
Thomas F. Meany, deputy collector	900
Joseph W. Southward, deputy collector	1,000
Traveling expenses	500
Robert O. Deyer, deputy collector	1,000
Traveling expenses	500
Benjamin S. Hooper, deputy collector	1,000
Traveling expenses	500
Josephus Trader, deputy collector	900
Traveling expenses	500
Charles Gee, special deputy collector	1,500
Traveling expenses	720
(For three months.)	

In submitting this communication I ask that particular attention be given to the fact that I have made the request for certification of the eligibles in obedience to instructions contained in your said letter, and in thus complying with the orders of my superior in office I deem it as my duty to the Government, to the Treasury Department, and to myself as collector, and to the surety upon my official bond, to take due and proper precaution by most respectfully filing this objection and protest against any modification or limitation of the power and duty vested in me by law as collector in respect to the appointments of deputies and the power to revoke the appointment of any such deputy. Under the plain mandate of the law, which I think is now in force, I am "in every respect responsible both to the United States and to individuals, as the case may be, for all moneys collected and for every act done or neglected to be done by any of his (my) deputies while acting as such." (Sec. 3148, U. S. Rev. Stat.) This power is derived from the act of Congress, and can not be limited or modified, in my opinion, unless section 3148 is repealed by Congress. Any subsequent legislation in conflict with section 3148, and which does not repeal section 3148, is, I submit, null and void, for the reason that Congress could never have intended to pass any law in conflict with existing law without repealing the previous act and reenacting the subsequent law or modification thereof.

I beg leave to assure the Department that I do not submit my construction of the law upon this question in any spirit of captiousness. I believe it to be too important a matter, involving, as it may, the interests of the Government as it relates to the appointments of deputy collectors and the responsibility on the official bonds both of collectors and the bonds of deputies, to be decided without the most careful consideration.

It is my solemn and sworn duty as collector to observe and maintain the integrity of the laws and to see them properly executed, and I feel that the responsibility rests upon me in the discharge of duty to administer the law honestly and fearlessly.

I am not aware of any opinion having been rendered by the law officers of the Department upon the questions submitted in this communication, and if there has been any such given, or decision of the court, I respectfully request to be advised of the same.

As I stated in person to you and to the honorable Secretary of the Treasury during my recent conference upon the subject, my action in

the matter of these appointments will in the future, as it has been in the past, be prompt and strictly in conformity to the views of the Department.

Respectfully,

JAS. D. BRADY, *Collector.*

The honorable the COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C.

(Indorsed:) Copy. Richmond, Virginia, September 13, 1897. Jas. D. Brady, collector. Requesting requisition from Civil Service Comm. for eligibles in place of temporary appointments, and asking for construction of the law bearing on the subject.

No. 17.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., September 18, 1897.

MY DEAR MR. VANDERLIP: In reference to the appointment of deputy collectors of internal revenue:

Since our talk on this matter I have decided that it would be better to await the return of Mr. Procter, on Tuesday next, in order that more than one Commissioner may consider the question of referring the matter to the Attorney-General.

I therefore hope that you will not find it inconvenient to hold up the matter until that time.

Very truly, yours, JOHN B. HARLOW,
Commissioner.

Hon. FRANK A. VANDERLIP,
Assistant Secretary of the Treasury.

No. 18.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., September 20, 1897.

SIR: I have the honor to inclose herewith letter from Collector James D. Brady, of the second district of Virginia, setting forth his protest against any modification or limitation of the power vested in him as collector by section 3148 of the Revised Statutes with respect to the appointment and removal of his deputies.

This is a matter of so much importance in the administration of the internal-revenue laws and the proper transaction of the business of this Bureau that I request that it be referred to the honorable the Attorney-General, with the request that he advise your Department, for the benefit of this Bureau, what the law is on the following points:

Does the act of January 16, 1883, providing for the establishment of a civil service commission, by implication or otherwise repeal sections 3148 and 3149 of the Revised Statutes, or any part thereof? If these sections have not been repealed or modified, is there now any legal limitation upon the power of the collector either to remove or to appoint his deputies?

In view of the fact that section 3148 makes the collector responsible upon his official bond, both to the United States and to individuals, for

the acts and defaults of his deputies, to be appointed in the manner prescribed by said section, the clear intent of which is to leave their selection wholly to the collector, can the bond be held responsible for the acts and defaults of deputies appointed in a manner not prescribed or contemplated by that section, and in a manner which eliminates the collector's power of selection by restricting him in each case to the name of three persons or less, all of whom may be wholly unknown to him?

In view of the specific provisions of section 3149, limiting the term during which a deputy collector shall have authority to act as such to the period covered by the bond of the collector from whom he holds his commission, is it not the meaning of the law that when a new collector enters upon duty, the deputies of his predecessor are entirely and absolutely without authority to perform any of the functions of deputy collectors unless reappointed by the incoming collector by an instrument of writing under his hand?

And in view of the further fact that this section provides that in case a vacancy in the office of collector, the bond of the outgoing collector shall be held for the acts and defaults of the deputies of such outgoing collector until his successor is appointed and qualified, can the bond of the new collector be held for the acts and defaults of said deputies of his predecessor unless they are reappointed by the new collector by an instrument of writing under his hand?

Very respectfully, G. W. WILSON,
Acting Commissioner.

The honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Treasury Department, Office Internal Revenue, September 20, 1897. Hon. G. W. Wilson, Acting Commissioner. Enclosing letter from collector of internal revenue, 2nd dist. Virginia, relative to his authority under the law to appoint and remove his deputies, with request that same be submitted to the Attorney-General for his opinion on certain points of law therein involved.

No. 19.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., September 22, 1897.

SIR: I have the honor to return herewith letter from the United States Civil Service Commission, inquiring as to the appointment of Emil S. Helburn as deputy collector in the Eighth district of Kentucky, with the advice that the records of this office show that Mr. Helburn was appointed on August 1, 1897, as deputy collector in that district, vice W. J. Caudill, resigned, and that said appointment was approved by this office as an emergency appointment under section 12 of Civil Service Rule VIII, for the reason that the collector reported but four names on the eligible list, one of the eligibles, W. S. Burch, being a cripple; two, Messrs. S. F. Phelps and George B. Warren, being residents of a remote portion of the district from the locality where the services of a deputy were required, and the fourth, Harry W. Atkeson, having been selected by the collector for appointment as deputy, vice D. D. Sublett, resigned.

In order that Mr. Atkeson may receive a regular appointment, I forward by this mail a request for the certification of eligibles for the position of deputy collector in the eighth district of Kentucky.

Referring to the statement of the Commission that there is an ample register of eligibles for that district, I beg to call attention to the fact that on August 21, 1897, three weeks after the appointments referred to, the Commission advised this office that there were but four names on the eligible list. I have not received notice of any additions to the register of eligibles since that date.

Very respectfully, W. S. FORMAN,
Commissioner.

The Honorable the SECRETARY OF THE TREASURY.

No. 20.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., September 25, 1897.

SIR: The Commission begs to invite your attention to its communication of September 2, with reference to the appointment of Emil S. Helburn as temporary deputy collector of internal revenue in the eighth district of Kentucky, to which no response has been received.

Very respectfully,
JOHN R. PROCTER,
President.

The honorable the SECRETARY OF THE TREASURY.

No. 21.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., September 28, 1897.

SIR: I have the honor to submit herewith a letter from the Commissioner of Internal Revenue (inclosing a letter of Collector James D. Brady, of the second district of Virginia), suggesting that your office be asked for a construction of sections 3148 and 3149 of the Revised Statutes, relating to appointment and removal of deputy collectors of internal revenue.

The Commissioner and the collector having stated in their communications the essential points for consideration, this office therefore submits the matter without argument, and respectfully requests that, in view of the great importance of the case, it receive your consideration at as early a date as may be practicable.

Respectfully, yours, O. L. SPAULDING,
Acting Secretary.

To the honorable the ATTORNEY-GENERAL,
Washington, D. C.

No. 22.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., October 1, 1897.

SIR: At the request of Mr. James D. Brady, collector of internal revenue for the second district of Virginia, I inclose herewith, for trans-

mittal to the Civil Service Commission, copy of his letter to this office of the 29th ultimo, with newspaper clippings inclosed therein, relative to statements made to the press by the secretary of the Civil Service Commission during a recent visit made by him to that district in his official capacity.

In view of the agreement had by the Acting Secretary of the Treasury, Civil Service Commissioner Harlow, Chief Examiner Serven, and the Acting Commissioner of Internal Revenue, that Collector Brady's contention as to his right under the law to appoint and remove his deputies should be referred to the Attorney-General and the matter held in abeyance pending announcement of his opinion, this office regards Mr. Doyle's course, if correctly represented by the press, as affording just ground for the collector's complaint.

Very respectfully,

W. S. FORMAN, *Commissioner.*

To the honorable the SECRETARY OF THE TREASURY.

INTERNAL REVENUE SERVICE,
SECOND DISTRICT OF VIRGINIA, COLLECTOR'S OFFICE,
Richmond, Va., September 29, 1897.

SIR: In view of the inclosed newspaper publications, marked, respectively, "A No. 1," "A No. 2," "A No. 3," which on their face bear evidence of being authorized, I deem it my duty to make the following report to the Department. The article "A No. 1," from the Richmond State of yesterday, indicates by telegram from Washington that Secretary Doyle, of the Civil Service Commission, had come to Richmond to investigate my action in respect to the appointments of deputies. The publication from the Richmond Dispatch of this morning, marked "A No. 2," would indicate that I am publicly reported by Secretary Doyle as having violated the law and civil-service rules, and this also appears from the telegraphic report published in this morning's Washington Post, marked "A No. 3."

About 12 o'clock yesterday a gentleman came into my office and introduced himself as Secretary Doyle, of the Civil Service Commission. I asked him to be seated. Mr. Doyle first questioned me in regard to the civil-service board for the internal-revenue service of this district. I replied to him that whatever was the pleasure of the Civil Service Commission as to the character of this board would be perfectly agreeable to me. We then briefly discussed the question in regard to the present status of that board, and I understood him to agree with me in the opinion I expressed that, by reason of the separation from the service of Messrs. Cooke, Denoon, and Enders on the 31st day of August last, the board had ceased to exist. In support of this opinion on my part I invited Mr. Doyle's attention to the following letter from Acting President of the Civil Service Commission William G. Rice, dated September 10, 1897:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., September 10, 1897.

SECRETARY INTERNAL REVENUE BOARD,
Richmond, Va.

SIR: The Commission advises you, in reply to your letter of September 4, in which you state that there are two vacancies on the board of examiners at your office, owing to the separation from the service of Messrs. E. B. Cooke and F. C. Denoon, that the collector will be requested to submit nominations from which selections may be made to fill the vacancies on the board.

Very respectfully,

WILLIAM G. RICE,
Acting President.

After this letter was brought to his attention Mr. Doyle appeared to acquiesce in my opinion as to the term of the former board having expired, and stated that in his judgment one member on the civil-service board from the internal-revenue service was sufficient and asked me to suggest a name. I promptly answered and said that if one member only from internal-revenue service was to be on the board I should nominate Mr. John Enders, the former secretary of the board under Collector Ryan, he being a Democrat. I then explained to Mr. Doyle, in view of the fact that heretofore the internal-revenue board of the district was composed of three mem-

A. No. 2.

[Richmond Dispatch, Richmond, Va., September 29, 1897.]

DOYLE AFTER BRADY—THE CIVIL-SERVICE SECRETARY HERE TO INVESTIGATE.

IN VIOLATION OF THE RULES—DICTATED BY POLITICAL EXIGENCY—DEPUTIES UNQUESTIONABLY WITHIN CLASSIFIED SERVICE—PERMANENT EXAMINING BOARD LIKELY.

However flattering may be the unction that Colonel Brady lays to his soul over his summary removal of internal-revenue deputies from office, one thing is absolutely certain, and that is that the Civil Service Commission is aghast at his disregard of rules, and will not allow his action to pass unchallenged.

Mr. John T. Doyle, secretary of the Civil Service Commission, arrived in the city on Monday, and has been conducting a searching inquiry into things generally which pertain to the branches of the service in this city. The prime object of his visit, however, was the investigation of the internal-revenue branch, and, incidentally, to ascertain the facts concerning the alleged irregularity of the examinatior held two weeks ago for all grades of the revenue department.

FOR POLITICAL EXIGENCY.

Referring to Colonel Brady's contention that deputies go out of office with the collector, and that those who had served under Mr. Ryan had not been removed because their terms had already expired, and that no eligible list was in existence in the office when he took charge from which he might make appointments, Mr. Doyle said that the point seemed to have been raised for political exigency. The civil-service laws state specifically what deputies are within the classified service, and the Richmond deputies were unquestionably under the protection of those rules. The civil service, added Mr. Doyle, has the backing of the President and the Secretary of the Treasury, and the President has even gone so far as to emphasize the regulations. There are men in the internal-revenue department who have held their positions under the rules for twenty years and over, under many different Administrations.

BOND QUESTION NOT MATERIAL.

One of Colonel Brady's clinching arguments all through the controversy in support of his contention has been that the deputies are bonded to the collector, and not to the United States, but Mr. Doyle said last night that the question of bonds was not a material one at all. In the post-office about twenty men are bonded to the postmaster, yet they have held their terms under successive Administrations. The question is one that the Secretary of the Treasury much [must?] decide, said Mr. Doyle. He did not believe that Mr. Gage had written officially indorsing Colonel Brady's view of the legal phase of the question, and he was careful not to commit himself as to what the probable outcome of the case might be, though he did not scruple to say that the removal of deputies under the circumstances was an open violation of civil-service rules.

PERMANENT EXAMINING BOARD.

Mr. Doyle said one of the results of his visit would be the appointment of a permanent examining board, with one member each from the custom-house, internal-revenue department, post-office, and Manchester. Any one member of the Commission might conduct an examination regardless of the branch for which it was being held. He said he thought the examination held here recently would be quite valid, in spite of the fact that it was conducted by one man instead of two, and by a man from the Post-Office instead of from the internal-revenue department. The man who was present during the examination, he said, was a member of the civil-service examining board, and as no discretion is allowed examiners, and all that has to be done is to prevent cheating and to forward all papers to headquarters, he did not think that any question would be raised as to the legality of the examination.

Mr. Doyle leaves this morning for Newport News, where he will make arrangements for the free-delivery system shortly to be inaugurated there.

A. No. 1.

[Richmond, Va., State, September 27, 1897 (afternoon paper).]

BRADY'S REMOVALS—SECRETARY DOYLE HERE TO LOOK INTO THE MATTER.

Washington, September 28.—Secretary Doyle of the Civil Service Commission has gone to Richmond to investigate the recent action of the internal-revenue collector for that district in discharging all the old deputies and appointing new ones not

duly certified by the Commission. The collector claims that the Civil Service Commission failed to supply him with eligible registers. Complaint has been made to the Commission that the entire proceeding was contrary to the civil-service regulations. The findings of the Commission, based on Mr. Doyle's report, will be reported to the Secretary of the Treasury.

No. 23.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., October 7, 1897.

SIR: I have the honor to advise you that the collectors of the districts of Alabama and Georgia have vacancies in the deputy collectorships and storekeeper-gaugerships and no eligible list in either district from which to make selections for filling such vacancies.

Respectfully, yours,

G. W. WILSON,
Acting Commissioner.

To the honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Treasury Dept., Office Int. Rev., Oct. 7, 1897. G. W. Wilson, Acting Commissioner. In relation to vacancies in deputy collectorships and storekeeper-gaugerships in dist. of Alabama and Georgia.

No. 24.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., October 7, 1897.

SIR: I transmit herewith copies of letters from the Commissioner of Internal Revenue and Collector James D. Brady, of the second internal-revenue district of Virginia, sent to the Attorney-General on the 28th ultimo, asking his opinion in the matter of appointment of deputy collectors of internal revenue.

Respectfully, yours,

O. L. SPAULDING,
Acting Secretary.

Hon. JOHN R. PROCTER,
President United States Civil Service Commission,
Washington, D. C.

No. 25.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., October 8, 1897.

SIR: I have the honor to acknowledge the receipt of your letter of September 30, transmitting the letter of the Commissioner of Internal Revenue dated September 28, 1897, returning the examination papers of Samuel H. Quarles, William E. Stoutamyer, and Ulysses S. G. Patterson, who were certified as eligible for the position of deputy collector in the sixth district of Virginia, no selection having been made from the certificate for the reason that the collector had made temporary emergency appointments prior to the receipt of the papers by the Department.

In connection with this matter the Commission desires to invite your attention to clause 12 of Rule VIII, which prohibits any temporary

appointments being made whenever there are any eligibles for the grade in which the vacancy exists. As this rule has not been modified or amended, the Commission has no discretion in the matter of allowing temporary appointments to be made for the reasons assigned by the Commissioner—that the persons had already entered upon duty. These temporary appointments can not, therefore, be approved. There is an ample register of ten names for the Lynchburg district, from which register it is believed that a suitable man can be secured for the work required. Your attention is also invited to clause 1 of Rule VIII, which requires that a selection shall be made from a certificate, and also to clause 4 of the same rule in case an objection is made to said certificate.

Certificate No. 7, dated September 18, 1897, together with the papers in the case, are herewith returned to the Department with a view of having a selection made therefrom.

By direction of the Commission:

JOHN R. PROCTER, *President.*

The honorable the SECRETARY OF THE TREASURY.

No. 26.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., October 14, 1897.

SIR: The Commission has the honor to acknowledge the receipt of the Department's letter of October 4, inclosing copies of letters from James D. Brady, collector of internal revenue for the second district of Virginia, the Commissioner of Internal Revenue, and clippings from the Washington Post, the Richmond (Va.) State, and the Richmond (Va.) Dispatch, relative to statements alleged to have been made to the press by the secretary of this Commission during a recent visit made by him to that district in his official capacity.

In response, you are informed that Mr. Doyle states that it has been his invariable habit in every investigation that he has made to refrain from expressing an opinion of the case under investigation, but that when asked questions relating to matters of fact which were of public consequence, he had no hesitation in answering them. The Commission feels certain that Mr. Doyle made no reflection upon the action of the Treasury Department or the collector, and that he expressed no opinion respecting any action that might be taken by the collector, the Treasury Department, or this Commission. He said very properly that deputy collectors were classified under the rules, and it was probably this expression that led the reporter to infer that the collector had therefore violated the rules.

In this connection it seems proper to state that the Treasury Department has shown letters written to the Commission upon matters of official business to newspaper representatives before mailing them to the Commission. The first intimation that the president of this Commission had of the contents of the Department's letter of September 11, relative to the appointments of deputy collectors by Collector Brady, was from representatives of public journals who called upon him, stating that they had been shown the letters referred to by the officials of the appointment division of the Treasury Department. Collector Brady had also seen this letter, as he speaks of it in his interviews in the Richmond press. The chief publicity respecting the facts in the Rich-

mond case has originated from officials of the Treasury Department, and not from this Commission.

Very respectfully,

JOHN R. PROCTER,
President.

The honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Washington, D. C., Oct. 14, 1897. U. S. Civil Service Com. Ack'ng receipt of letter Oct. 4, rel. to statements alleged to have been made to the press by the sect'y of Com'n during a visit to second district internal revenue, Va.

No. 27.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., October 18, 1897.

DEAR SIR: By the direction of the Secretary I herewith transmit a memorandum prepared by the Acting Commissioner of Internal Revenue bearing on the matter of the terms of deputy collectors, which you now have under consideration.

Respectfully, yours,

F. A. VANDERLIP,
Acting Private Secretary.

The honorable the ATTORNEY-GENERAL.

No. 27a.

Section 3148, Revised Statutes, does not, as stated in the Commission's brief, page 26, prescribe the duties of deputy collectors. It says that "each such deputy shall have like authority in every respect to collect the taxes levied or assessed within the portion of the district assigned to him which is by law vested in the collector himself." It thus affirms the power of the collector to deputize and to prescribe the duties of his deputies, and emphasizes the authentic character of the commissions issued by him. The purpose of this provision is made plain by the provisions relating to the responsibility of the collector on his bond for the acts and defaults of his deputies. It was clearly the intent of the law to give the collector such freedom in the selection of his deputies that he could not make a valid claim for relief from pecuniary loss sustained by himself or his bondsmen through the defaults of such deputies. The framers of this law evidently did not regard the passage of acts for the relief of collectors from responsibility for the acts and defaults of their deputies as a wise or economical mode of collecting the revenues, and they took pains to fix the status of deputy collectors and the responsibility for their selection in such a manner as to reduce such bills of relief to a minimum.

The clause empowering the collector to require bonds of their subordinates is purely for the benefit of the collector—to enable him to recover from his deputy any money which under the obligation of his own bond (which is given to the United States) he is obliged to surrender from his private funds to the Government to make good the defaults of his deputies.

Neither is it true, as stated on the same page of the Commissioner's

brief, that section 1753, Revised Statutes, and the civil-service act prescribe the manner in which selection for appointment of deputy collectors of internal revenue shall be made. Section 1753 empowers the President to make regulations for the admission of persons into the civil service as may best promote the efficiency thereof. It contains no reference to deputy collectors of internal revenue, nor any clause repealing sections of law inconsistent therewith. Any regulations made thereunder by a President may be revoked by him or his successor, or may fall into abeyance, as did those made by President Grant. Such regulations have the force of law while they are enforced by the Executive. They have not the life of the law itself. The same is true of the present civil-service act. It contains no reference to the internal revenue service. It contains no clause repealing acts or parts of acts inconsistent therewith. Therefore the application of the competitive system to the appointment of deputy collectors of internal revenue is not prescribed by law and exists at this day by virtue of an Executive order, the legality of which, so far as it restricts the appointing power of collectors, is the very question now raised by Collector Brady.

It would seem that this question is really a question whether the Executive can under the Constitution repeal one law by issuing a rule under another law which does not itself directly or by implication repeal the former law.

In the Wood Case Chief Justice Cox, of the supreme court of the District of Columbia, simply ruled out of court all rules and regulations under the civil-service act and recognized only the act itself as binding on the court in determining the question at issue.

The fact that this office has complied with the rules of the Executive in calling for certification of eligibles and submitting such lists of eligibles to the collector for his selection does not commit the Commissioner of Internal Revenue to an approval or disapproval of the competitive system as applied to the internal-revenue service.

An officer in the executive branch of the Government conforms to the rules of the President so long as their legality has not been formally tested. The question of legality in this matter has now been raised by the proper officer, namely, a collector of internal revenue, who believes his rights under section 3148, Revised Statutes, to have been assailed by President Cleveland's order.

Many unconstitutional laws and the regulations predicated thereon are administered by executive officers without question so long as their unconstitutionality has not been declared by the proper tribunal, but when some party interested appeals to the Supreme Court and secures its decree as to the unconstitutionality of the law the same executive officers promptly reverse the practice of the office or bureau, and the unconstitutional law is no longer enforced.

The Internal Revenue Bureau, for instance, administered the income-tax law up to the day it was declared unconstitutional. When it was so declared all orders and regulations thereunder were at once revoked and collectors notified by telegraph.

Therefore the reference to the action of this office in obeying the regulations now under consideration would seem wholly irrelevant.

The Internal Revenue Bureau has never questioned the right of collectors of internal revenue to appoint and remove their deputies. On the contrary, for thirty years it has upheld that right in every instance, as can be shown by hundreds of letters, press-copy files, and has abstained from any act by which it would seem to encroach on the prerogative of the collector in th s matter. The collector is in no sense of the word a nominating officer as regards his deputies. The person-

nel of the force under the law depends on him alone. The total number and expense for each district was brought within the direction of the Commissioner and the Secretary nearly twenty years ago, when the collectors ceased to receive commissions and pay their subordinates therefrom—a necessary provision to secure economy in expense after the abolition of the commission system.

In a paraphrase of the language of section 3148, the Commission's brief says (p. 17): "We find that the collector can not revoke the appointment of his deputy except that he give such notice thereof as the Commissioner of Internal Revenue may prescribe."

The law itself says, "and the collector shall have power to revoke the appointment of any such deputy, giving such notice thereof as the Commissioner of Internal Revenue may prescribe." The Commission's brief seems to regard this as a notice to the deputy. Such is not the language of the statute, nor has it ever been the practice of this office. The only notice required by the Commissioner is a report from the collector of every dismissal made by him—after it is made, and without giving his reasons therefor. An affirmative act on the part of the Commissioner of Internal Revenue is not a condition of the dismissal.

The collector is required every year to report, on form 204, the organization of his force of deputies as it stands July 1, and to report by letter every change made during the year. This information is required purely for purposes of record in the Bureau. Every new collector when he enters on duty is obliged to report, on said form 204, the names of all deputies reappointed by him and such new deputies as he may appoint in place of those not reappointed. These reports are entered in a record containing columns for "date of original appointment" and date of "appointment by present collector" in each case.

If in any case the collector forwards to the Commissioner of Internal Revenue the oaths of office of his deputies they are returned to him, with the advice that the collector, being the appointing officer, is the proper custodian of the official oaths of such appointees. It is, therefore, not true, as stated in the Commission's brief (p. 33), that deputies serve through successive Administrations without reappointment by the new collector.

The above has been the uniform practice with reference to the prerogative of collectors under section 3148, Revised Statutes, and also with reference to the rights of this office under the clause of said section requiring collectors to give such notice of dismissals "as the Commissioner of Internal Revenue may prescribe," and would, therefore, seem to have established and fixed by regulations the rights of the collectors and of this office under the section referred to.

In connection with above memoranda as to practice of this office, see blank form 204, herewith inclosed; also copy of letter to the United States Civil Service Commission of December 11, 1896.

GEO. W. WILSON,
Acting Commissioner.

No. 28.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., October 18, 1897.

GENTLEMEN: I am in receipt of your communication of the 14th instant, acknowledging receipt of my letter of the 4th instant, inclosing certain newspaper clippings, showing alleged interviews with Mr. Doyle,

secretary of your Commission, relative to deputy collectors of internal revenue. I note what you say as to Mr. Doyle's probable action in the matter "that it has been his invariable habit in every investigation that he has made to refrain from expressing an opinion of the case under investigation, but that when asked questions relating to matters of fact which were of public consequence, he had no hesitation in answering them." This office has no fault to find with Mr. Doyle if he adheres to that line of conduct. The clippings were referred to you without remark and the incident would have been closed, so far as this office is concerned, had it not been for the charge contained in the last paragraph of your letter, in which you say:

> In this connection it seems proper to state that the Treasury Department has shown letters written to the Commission upon matters of official business to newspaper representatives before mailing them to the Commission. The first intimation that the president of this Commission had of the contents of the Department's letter of September 11, relative to the appointments of deputy collectors by Collector Brady, was from representatives of public journals, who called upon him, stating that they had been shown the letters referred to by the officials of the appointment division of the Treasury Department. Collector Brady had also seen this letter, as he speaks of it in his interview in the Richmond Press. The chief publicity respecting the facts in the Richmond case has originated from officials of the Treasury Department, and not from this Commission.

Before answering this charge in detail, it is proper to say that this office does not care to engage in any controversy concerning its manner of transacting public business, but while it does seek an opportunity to vindicate its action in any case, it is nevertheless ready at all times to resent improper, unseemly, and unwarranted criticism; also, that it reserves the right (conceded even to Mr. Doyle) of answering without hesitation questions relating to matters of fact which were (are) of public consequence.

Now, as to the publicity given to the letter of September 11 ultimo, I have to advise you that no representatives of any public journal or newspaper ever had either the original or a copy of the said letter in his possession. On the 1st day of the present month, nineteen days after the said letter had been written and forwarded to your office in the regular way and several days after the question at issue had been referred to the Attorney-General, also after Mr. Doyle had been interviewed in Richmond, several newspaper reporters were given a brief synopsis of the letter referred to in order that the facts as to the position taken by the Department might be known. This office was particularly careful in this case, withholding from the public all information as to its construction of section 3148, Revised Statutes, until such time as the views given in the letter of September 11 ultimo could be reviewed and considered by you and your opinion communicated to this office, according to the invitation extended in the last paragraph of said letter.

Failing to receive any response to said letter, and noting the conflicting and unwarranted statements contained in various journals, this office concluded to give out the matter hereinbefore referred to.

In conclusion permit me to say that this office, having forwarded to you promptly the letter of September 11 ultimo, is in no way responsible for the failure of your president to be aware of its existence until informed thereof by the representatives of public journals who had no knowledge of its contents until October 1 instant.

Very respectfully,

L. J. GAGE, *Secretary.*

The UNITED STATES CIVIL SERVICE COMMISSION.

No. 29.

MEMORANDA AS TO STATUS OF DEPUTY COLLECTORS OF INTERNAL REVENUE.

In the brief filed by the Civil Service Commission with the Attorney-General, the subject of the status of deputy collectors of internal revenue is treated under three heads, the first being: Are deputy collectors of internal revenue officers of the United States? Ten pages of the brief are devoted to this subject.

While I do not think the question at issue, and to which this brief relates, is at all affected by the status of deputy collectors so far as their being officers of the United States is concerned, I will refer briefly to one paragraph, commencing at the bottom of page 2, of the said brief, wherein the Commission says:

> In a case arising under section 3148, Revised Statutes, previous to its amendment on March 1, 1879, it was held that deputy collectors were employees of the collector by whom they were appointed, and note that such holding distinctly states this to be the case "prior to the act of March 1, 1879. (See Hernden Case, 15 C. Cls. R., 446.)" It would seem that the last holding was based upon the fact that deputy collectors, under the old law, contracted with their principals for their services and performed duties prescribed by the collector.

Without examining the case referred to, it seems sufficient to say that the first paragraph of the act of March 1, 1879, referred to, reads as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no collector of internal revenue, or any deputy collector or other employee of, or the person acting for such collector. * * *

It seems entirely improbable, therefore, in view of the use of the words "employee of," in the sentence quoted, that Congress intended to in any way change the relation between the collector and his deputies, except as to the manner of payment of compensation to such deputy collectors for their services. The very section (No. 12) providing for the change of method in payment also provides that each collector of internal revenue shall be authorized to appoint, by an instrument in writing under his own hand, as many deputies as he may think proper, to be compensated for their services by such allowances as shall be made by the Secretary of the Treasury upon the recommendation of the Commissioner of Internal Revenue. The provision contained in secton 3148 relative to the authority to be exercised by deputy collectors of internal revenue is in no way changed by the act of March 1, 1879, the exact language contained in the last sentence of section 3148 being reenacted in the act of March 1, supra.

In the second heading of the brief the Civil Service Commission says:

> Does the term of office of the deputy collector of internal revenue cease by reason of the going out of office of the collector under whom he was appointed and the taking of office by the newly appointed officer?

If the term of the deputy collector is to be considered as continuous, without the giving of such a notice of revocation of his appointment as might be prescribed by the Commissioner of Internal Revenue, why was there any necessity for the enactment of the provision contained in section 3149, Revised Statutes? Said section was amended by the act of March 1, 1879, in an important particular, to wit, in providing that in case of the absence of the collector, or in case of his temporary disability to discharge his duties, they shall devolve upon his senior

deputy, unless he, the collector, shall have devolved them upon another of his deputies, and for the official acts or defaults of said deputies the collector and his sureties should be held responsible to the United States.

The said act also repeats this language, contained in section 3149:

> In case of a vacancy occurring in the office of collector, the deputies of such collector shall continue to act until his successor is appointed, and until his successor is appointed the deputies of such collector senior in service shall discharge all the duties of collector * * * .

The law in the first sentence of section 3149 provides that the senior in service should discharge the duties of collector in case of the sickness or absence of the collector, and under the act of March 1, 1879, provides that they should devolve upon the senior deputy, unless the collector should have devolved them upon another of his deputies, indicating very clearly that Congress considered the relation of the deputy to his collector to be such that he could, under certain circumstances, transfer his duties to him.

You will observe that the language quoted, "In case of a vacancy occurring in the office of collector, the deputies of such collector shall continue to act until his successor is appointed," admits of but one construction, the word "until" limiting absolutely the term of the deputy, when the collector by whom he is appointed, either by reason of death, disability, or removal, vacates the office.

FRED BRACKETT.

(Indorsed:) Memoranda as to the status of deputy collectors of int. rev. Respectfully referred to the honorable the Attorney-General. L. J. Gage, Secretary. Oct. 19, 1896.

No. 30.

CALL FOR STATEMENT OF SERVICE.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., October 20, 1897.

SIR: I have the honor to request a statement of the cause of the separation from the internal-revenue service of W. W. Brown, of Parkersburg, W. Va., who claims that office in which he was employed was abolished in April, 1897.

This information is desired in order to determine whether he was discharged for delinquency or misconduct, which would debar him from a civil-service examination within one year from the date of his separation therefrom.

Very respectfully, JOHN R. PROCTER,
President.

The honorable the SECRETARY OF THE TREASURY,
Washington, D. C.

(Indorsed:) Washington, D. C., Oct. 20, 1897. U. S. Civil Service Com. Asks cause separation from service of W. W. Brown.

No. 30A.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., November 3, 1897.

SIR: In reply to your letter of the 1st instant, in regard to W. W. Brown, ex-deputy collector of internal revenue, you are advised that Mr. Brown was a deputy collector, assigned to general duty under the direction of a revenue agent. His services were discontinued by reason of a general reduction in the force of deputies so employed throughout the country, the allowance for such deputies having been withdrawn April 15, 1897.

Very respectfully,

G. W. WILSON,
Deputy Commissioner.

To the honorable the SECRETARY OF THE TREASURY.

No. 31.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., October 23, 1897.

SIR: Referring to letter from the Civil Service Commission, File No. 50330, inclosed in your letter of the 15th instant and herewith returned, relative to emergency appointments of fruit-brandy deputy collectors in the sixth district of Virginia, I have the honor to state that the allowance for these deputies was limited to sixty days from the 15th of September, 1897, and will expire on the 15th proximo. As the time for which the men were to serve is now two-thirds gone it would certainly seem unwise to call them in from the field, at the height of the fruit and brandy season, after they have become familiar with their duties, and to fill their places with men from the eligible list who are totally ignorant of the character of the work to be done. The remainder of the time for which the allowance was made would be lost, so far as any practical supervision of the manufacture of fruit brandy is concerned, and the money paid for the service would be wholly wasted. This office has found in cases of this kind, where the allowance is limited to sixty or ninety days, that candidates on the eligible list usually decline the places on account of their temporary character, and it is to be presumed they would decline appointments for the fifteen days that might remain after the places are tendered to them in this case.

It may be found that, in order to secure a close and complete collection of the tax on the fruit brandy this season, the services of some of these men will be required for an additional thirty days, but it would be utterly foolish from a business point of view to recall those who understand the work and select from the eligible list for the additional month men who would probably require the greater part of the time to become of any value in the duties required.

This case is an example of the practical needs of this Bureau which the Civil Service Commission by reason of its inflexible rules can not meet. Its insistence upon a rigid compliance with impracticable regulations is an embarrassment to this office, resulting in a demoralized condition of the force, neglect to meet the just demands of taxpayers, and a needless waste of the revenues. This office stands ready to con-

sider any practical solution of this question that may be presented by the Commission and to cooperate therein, but the situation is not relieved by a mere reference on the part of the Commission to the inflexibility of rules, the effect of which is to obstruct the collection of the revenues.

It is the paramount duty of this Bureau to collect the internal revenues of the Government, and the difficulties resulting from the character of the taxpayers now under discussion are sufficient without the additional embarrassments involved in an inflexible and unnecessary application of the rules to these temporary places.

This office earnestly asks such prompt and effective modification of the rules as may be necessary to meet emergencies arising in the collection of the revenues herein described.

Very respectfully,

G. W. WILSON,
Acting Commissioner.

The honorable the SECRETARY OF THE TREASURY.

No. 32.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., October 25, 1897.

SIR: The Commission has the honor to acknowledge the receipt of the Department's communication of the 18th instant as to the Commission's letter of the 14th instant, and begs to disclaim any intention of intruding advice as to the Treasury Department's manner of transacting public business. The following, it is believed, should explain why the Commission was moved to transmit to you its letter of October 14.

The Commission was aware of the firm stand which had been taken by the Secretary of the Treasury against removing deputy collectors of internal revenue from the competitive list, where they had been legally and regularly placed, although such action had been urged upon him, and knew that it was the Secretary's desire in every way to improve the service and place it upon a nonpartisan basis. The following are extracts from the Department's letter of September 11: "I am of the opinion * * * that the amendments of the civil-service rules adopted July 27, 1897, in no way modified or abridged the collector's power of appointment, except that the person whom he shall select for appointment must at some time pass a noncompetitive examination approved by your Commission to test his qualifications for the place." "It is not practicable or possible to await the result of the noncompetitive examination before organizing the collector's force, and it becomes imperatively necessary to appoint subject to future noncompetitive examination," and "it is believed that both the spirit and intent of the law will be complied with by requiring that each of the deputy collectors appointed by Collector Brady under Rule VI at the earliest practicable moment be subjected to a noncompetitive examination." In view of the fact that the provisions of the amendment to Rule VI of July 27, 1897, as to noncompetitive examinations apply exclusively to excepted positions it appeared to the Commission upon noting the above statements that the Secretary had, in the press of business, signed this letter without due consideration.

The newly appointed collector at Richmond, upon taking office, stated in substance to the outgoing collector that while he was not in sympathy with the civil-service law yet he had determined to make no

removals except of persons holding excepted positions; later he visited Washington, and upon his return made the irregular removals and appointments still in controversy; following this the Acting Commissioner of Internal Revenue wrote to the collector that "your action is entirely satisfactory to this office, and the line on which you have proceeded is in conformity with the verbal instructions given you as stated in your report." In conjunction with these circumstances, the action of the Appointment Division, in giving to the press during the absence of the Secretary the views expressed in the September 11 letter, seemed calculated to commit the Department and the Administration to a policy so at variance with the President's order of July 27 and Department circular No. 480, and with the well-known views of the Secretary of the Treasury and the President, that the Commission considered it was acting within the scope of its duty and rendering a service to the Secretary in bringing the matter to his attention.

The following are extracts from the Department's letter of October 18: "After Mr. Doyle had been interviewed in Richmond several newspaper reporters were given a brief synopsis of the letter referred to, in order that the facts as to the position taken by the Department might be known." "Failing to receive any response to said letter and noting the conflicting and unwarranted statements contained in various journals, this office concluded to give out the matter hereinbefore referred to." As to these statements the Commission begs to state, first, that Commissioner Harlow having been personally informed that the Department contemplated referring to the Attorney-General for opinion certain questions raised by the Acting Commissioner of Internal Revenue, Commissioner Procter handed to the Acting Secretary of the Treasury, about September 25, a statement of the Commission's opinion in the matter; and, second, that the Commission has been informed that upon inquiries by representatives of the press as to the removal of deputy collectors in the Baltimore district the contents of the September 11 letter were read to them as indicating the position taken by the Department as to these removals.

As to the action to be taken in the cases of irregular removals and appointments of deputy collectors of internal revenue: The President having interpreted the acts of Congress as authorizing him to direct the classification of deputy collectors, and having directed that they be placed in the classified nonexcepted list, and the Department having carried out this direction, the Commission respectfully submits that deputy collectors can not legally be treated otherwise than in the classified competitive list until the President's interpretation of the law be reversed by competent authority, and therefore that they are within the provisions of the amendment to Rule II of July 27, 1897, and of Department circular No. 480, and that these provisions are instructions to every collector and must be obeyed until withdrawn or set aside.

Very respectfully,

JOHN R. PROCTER, *President.*

The honorable the SECRETARY OF THE TREASURY.

No. 33.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., October 27, 1897.

SIR: The Commission has the honor to call the Department's attention to certain information which has reached it through the report of its representative who recently made a personal investigation of alleged

violations of the rules at the Knoxville, Tenn., internal-revenue district. This investigation was ordered upon charges filed by Hon. John A. Moore, Member of Congress, of Tennessee. Among other things Mr. Moore charged:

That Collector Tyler had exacted the resignations of all the deputy collectors in the second district of Tennessee to take effect at his pleasure, and that he had done this in order to give his political friends the positions that they hold.

That the eligible register had been ignored in the appointments of R. M. Rains, J. F. Toney, H. C. Hart, J. W. Howard, and W. H. Cadle.

The Commission will not, in this communication, refer to the first charge, as quoted above, but desires to invite the Department's attention to the fact that the charge that the eligible register had been ignored by the collector in making appointments to classified positions has been fully sustained.

The examiner making the investigation at Knoxville on October 12, 13, and 14 reports that the following appointments to nonexcepted positions have been made in this district, during the incumbency of the present collector, without examination and certification:

Joseph H. Howard, appointed deputy collector September 1.
J. F. Toney, appointed deputy collector September 1.
William H. Cadle, appointed deputy collector August 11.
Robert M. Rains, appointed temporary deputy August 16.
William C. Hornsby, appointed temporary deputy August 16.

All of the appointments made to the nonexcepted places referred to above were made during the existence of a register containing the name of twenty-one available eligibles. The list furnished by the Commission's examiner agrees with that furnished by the person making the charge, except that the examiner's report does not show the appointment of H. C. Hart. In view of this discrepancy, the commission would be pleased to receive the Department's statement as to whether Mr. Hart has been actually appointed.

It is apparent that the civil-service rules have been disregarded in the appointments of Messrs. Howard, Toney, Hornsby, Cadle, and Rains, and the matter is herewith brought to your attention, with the request that their services be at once discontinued, and that the vacancies arising from such action be filled in accordance with the civil-service rules.

In the Department's communication of September 8, referring to the measures adopted by the Department for the purpose of establishing a check upon the payment of salaries to persons illegally appointed, you state that under date of July 25, 1896, the Comptroller of the Treasury decided that a compliance with the civil-service law has been treated by the accounting officers as one relating specifically to the various administrative departments, and that they have assumed that persons duly appointed to offices or positions by the heads of the various departments or others have been so appointed in accordance with the provisions of the civil-service law and regulations, and in the absence of specific information to the contrary they will treat all such appointments as having been so made, and allow credit for compensation paid to such persons. The positions which have been filled without examination and certification at Knoxville were reported to the Commission by the Treasury Department as embraced within the classified service under the revision of the civil-service rules of May 6, 1896. Rule VIII, clause 1, of the civil-service rules, prescribing the method of filling vacancies, requires that whenever a vacancy occurs in any position classified under the civil-service act, and which is not an excepted position, the appointing officer shall request certification to him of the

names of eligibles for the position vacant. The rules further provide the method of certification and appointment for filling vacancies. Section 7 of the civil-service act forbids appointment to classified places not excepted from examination except upon examination and certification. No request has been received from your Department for certifications for appointment for filling the positions in question. The Commission feels obliged to call your attention to these appointments as in apparent contravention to the civil-service act and rules, with a view that the accounting officers may have specific information that the persons named in the list seem not to have been appointed in accordance with the law and rules.

In this connection the Commission begs to call your attention to the following extracts from the civil-service act and the revised civil-service rules bearing on the action of the collector.

Section 2 of the civil-service act of 1883 provides:

> That it shall be the duty of said Commissioners to aid the President, as he may request, in preparing suitable rules for carrying this act into effect, and when said rules shall have been promulgated, it shall be the duty of all officers of the United States, in the departments and offices to which any such rules may relate, to aid in all proper ways in carrying said rules and any modifications thereof into effect.

Section 1, rule 11, of the revised civil service rules, which were promulgated by the President on May 6, 1896, provides that—

> Any person in the executive civil service of the United States who shall willfully violate any of the provisions of the civil-service act, or of these rules, shall be dismissed from office.

Under the seventh section of the civil-service act of January 16, 1883, no person can be lawfully paid from the public Treasury who has not been appointed in conformity with the rules, for the reason that such appointments are prohibited and are consequently illegal. A person so appointed is only a usurper of an office and is not entitled to compensation.

Very respectfully, JOHN R. PROCTER,
President.

The honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Mail Division, October 29, 1897. 9858. B. 79. Washington, D. C., Oct. 27, '97. U. S. Civil Service Com. In re alleged violations of civil-service rules at Knoxville (2d Tenn.) Dist. Int. Rev. 7530. 21. Appt.

No. 34.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., October 29, 1897.

SIR: Your attention is invited to so much of the report of the Commission's representative who recently made an investigation of alleged violation of the civil-service rules in the Nashville, Tenn., internal-revenue district as relates to the appointments made to positions subject to competitive examination without examination and certification, as required by the rules. It is shown in this report that upon assuming charge of the Nashville office Collector Nunn made a number of appointments without examination and certification, that such appointments were in a sense experimental, and that upon the result of such experiment depended the tenure of several other employees. The following-named persons are reported as having been appointed to division

deputy positions without examination and certification during the month of August: Charles M. Joseph, J. P. Kidd, John W. Jenkins, John E. Oliver, and E. E. Bell. It appears that these field deputies were appointed without authority from this Commission and while there were names of eligibles upon the register for the Nashville, Tenn., district.

Under the provision of section 12 of Rule VIII, whenever there are no names of eligibles upon the register for any grade in which a vacancy exists and the public interest requires that it must be filled from eligibles which can be provided by the Commission, such vacancy may, subject to the approval of the Commission, be filled by appointment without examination and certification for such a part of three months as will enable the Commission to provide an eligible. In the first place the Commission's authority was not obtained for the appointment of the field deputies at Nashville, and in the second place such authority could not be given so long as the name of "an eligible" remained upon the Nashville register.

This was not the only violation of section 12 of Rule VIII. The second sentence of the rule referred to provides that temporary appointment shall expire by limitation as soon as an eligible can be provided. In the Nashville case it is shown that an ample register was provided by the addition on August 20 of the names of nineteen persons who were examined in March last. While the register was replenished by this addition it does not appear that the collector of the Commissioner of Internal Revenue took cognizance of that fact but, on the contrary, retained the employees in their respective positions.

In view of the plain requirement of the rule that temporary appointments shall expire by limitation as soon as "an eligible" shall be provided, the Commission holds that even had the persons been legally appointed temporarily to nonexcepted positions they went out of the service by limitation on August 20, the date on which the eligible register was made ample for the needs of the service.

In view of the irregularity in the appointments of the persons referred to, it is requested that such action be taken as will result in their immediate separation from the service, and that the vacancies thus created be filled in accordance with the civil-service rules.

It is also requested that the attention of the accounting officers for the Treasury Department be called to these appointments as in apparent contravention of the civil-service act and rules, with a view that such officers may have specific information that the persons referred to seem not to have been appointed in accordance with the law. The Commission is of the opinion that under the seventh section of the civil-service act of January 16, 1883, no person can be lawfully paid from the public treasury who has not been appointed in conformity with the rules, for the plain reason that such appointments are prohibited by law and are, consequently, illegal. Under the civil-service acts of New York, Massachusetts, Illinois, and in several cities whose charters embody systems of appointment through examination, checks are imposed upon the payment of salaries by comptrollers and auditing officers to persons appointed in violation of the rules governing examinations. As a result of these provisions, illegal appointments and evasions of the law in these jurisdictions are comparatively rare. In the post-office service nominations to the Postmaster-General for appointment to classified positions are sent by messenger from the Post-Office Department to the Commission for check of approval before final action is taken by the Department. This same system was recently adopted by your Depart-

ment and the Commission in examining nominations submitted by collectors of customs for appointments in the customs service; and, so far as the Commission is aware, this plan has worked without disadvantage either to the Department or to the Commission. Under the system referred to, complaints of illegal appointments at post-offices and custom-houses have ceased.

The complete success of the civil-service act depends upon the cooperation of all public officers in making appointments under the methods provided by the civil-service law. An absolute restriction of any salary or compensation to a person appointed in evasion or violation of the law would be the most effective aid in securing its enforcement. If all disbursing officers would insist upon evidence of legal appointment before making payment, there would be no cause for complaint of illegal or evasive appointments. The commission hopes that the Secretary of the Treasury will take such action as will forbid the payment of salary or compensation by any disbursing officer to any person in the civil service unless evidence shall be furnished to such officer of the appointment of the person in conformity to the civil-service rules.

Very respectfully, JOHN R. PROCTER,
President.

The honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Washington, D. C., October 29, 1897. U. S. Civil Service Commission. Violation of civil-service rules by Internal-Revenue Collector Nunn, Nashville, Tenn.

No. 35.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., November 1, 1897.

SIR: The Commission has the honor to inform the Department that the monthly report of changes in the service from the collector of internal revenue at Lynchburg, Va., shows that nine temporary appointments of deputy collectors and one appointment of clerk were made during the month of September without examination and certification, as required by the civil-service rules. The names of the persons appointed are as follows:

To deputy collector positions: R. T. Buckingham, O. A. Kirby, H. H. Fultz, L. Hansbrough, George T. Rives, Floyd Gray, Silas W. Putnam, T. H. Morgan, and Ed. A. McMahon.

To a clerk position: Mrs. L. M. Tinsley.

The eligible register for the Lynchburg district seems to have been ample for the needs of the service since August 7, 1897, and the temporary appointments referred to were, therefore, not authorized, and can not be approved.

In view of the irregularity involved in these appointments, the Commission requests the Department to take such action as will result in the separation of the appointees from the service and the appointment of their successors in accordance with the civil-service rules.

The Commission is wholly unable to comprehend the many evasions of the civil-service rules on the part of newly appointed collectors of internal revenue. Several cases have been brought to the attention of the Department where the incoming collectors have made appointments

without the slightest regard to the condition of the eligible register. Section 12 of Rule VIII provides that all temporary appointments must be made with the approval of the Commission, and then only when there is no eligible upon the register. It would seem that these temporary appointments are made without the authority of the Commission, for the reason that it is known in advance that the conditions of the register will not, under the rule, permit the temporary appointments.

In view of the many violations on the part of collectors of internal revenue, the Commission is forced to believe that the dismissals and illegal appointments in that branch of the service have been made without the personal knowledge of the Secretary of the Treasury, who has announced his intention of carrying out the spirit and letter of the civil-service law and rules. It is believed that the most effective way of stopping the appointments without examination and certification will be to cut off the salaries of all persons illegally appointed. With this in view, the Commission suggests that the auditing officers of the Department be informed of the full facts in relation to the temporary appointments made by the collector of internal revenue at Lynchburg, in order that they may be fully advised that such appointments seem not to have been made in accordance with the law.

Very respectfully,

JOHN R. PROCTER, *President.*

The honorable the SECRETARY OF THE TREASURY.

No. 36.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., November 1, 1897.

SIR: In its communication of October 25 the Commission invited your attention to the failure of certain collectors of internal revenue to render reports of appointments, as required by the civil-service act and rules. Among the collectors who have failed to comply with the law in making these reports is Collector Brady, at Richmond, Va. In answer to repeated requests of the Commission therefor he writes, under date of October 30, as follows:

Referring again to your File No. 851 (Form 144) of the 25th instant, I have the honor to state that in view of the fact that the matter of the appointments of deputies in this internal-revenue district is now, as I am advised, before the Attorney-General, upon the reference of the honorable Secretary of the Treasury, I am of the opinion that, pending the decision of the question involved, I have no report to make on the Civil-Service Form 143 for the month of September.

I deem it proper, in making this reply to your notice, to state that my entire action in respect to the appointments of deputies, since I assumed charge of this office on the 31st of August last, has been reported in detail to the Treasury Department. This may be ascertained by reference to my letters addressed to the honorable Commissioner of Internal Revenue, dated respectively September 3, September 9 (two letters), September 11, September 13 (three letters), September 25, September 27, September 29, and October 2, and also by reference to my full and complete report of the organization of the district on internal-revenue Form No. 204.

My action in the premises has been approved by both the Acting Commissioner of Internal Revenue and the honorable Secretary of the Treasury, as I am officially advised.

This being the record, I submit that if there has been any failure to strictly conform to the reported views of your Commission as to the appointments made in this district, the responsibility therefor should be placed where it properly belongs.

The Commission respectfully submits that the reason given by the collector for failing to comply with the law is irrelevant and imma-

terial. The law requires these reports to be rendered, and the Commission invokes your aid in procuring them.

Very respectfully,

JOHN R. PROCTER, *President.*

The honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Washington, D. C., November 1, 1897. U. S. Civil Service Com. Failure of certain coll'rs internal revenue to render reports of appointments. Statement sent C. S. Com. Nov. 10, 1897.

No. 37.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., November 2, 1897.

GENTLEMEN: I have the honor to acknowledge the receipt of your letter of the 25th ultimo, relative to the appointment of certain deputies by J. D. Brady, collector of internal revenue for the Second district of Virginia.

You say: "In view of the fact that the provisions of the amendment to Rule VI of July 27, 1897, as to noncompetitive examinations apply exclusively to excepted positions, it appeared to the Commission upon noting the above statements" (contained in my letter of September 11, 1897), "that the Secretary had, in the press of business, signed this letter without due consideration."

Permit me to correct the impressions of the Commission on said point by assuring them that the letter in question had not only due consideration, but especially careful attention on my part. If the Commission had given "due consideration" to my letter, it would have observed that I said at the beginning of the third paragraph: "Before considering specifically the cases referred to by Collector Brady, I have to advise you that I am of opinion * * *." Then followed my opinion as to the effect of the amendments to civil-service rules adopted July 27, 1897. I did not consider specifically the cases referred to in Collector Brady's letter, but did say: "It is believed that both the spirit and intent of the law will be complied with by requiring that each of the deputy collectors appointed by Collector Brady under Rule VI, at the earliest practicable moment, be subjected to a noncompetitive examination, for the doing of which immediate steps will be taken." The letter closed with the following: "I shall be pleased to have you submit your views as to the force and effect to be given to section 3148, Revised Statutes, in dealing with appointments of deputy collectors of internal revenue."

It seems unnecessary to say in this connection that the amendments to civil-service rules approved July 27, 1897, affected no appointments other than those made under Rule VI to excepted places; that Collector Brady's letter dealt almost exclusively with appointments; that he, Brady, said in his letter: "It is a fact that I have not made a single removal from office;" also, that he says there were but two (2) names on the eligible list, and he therefore made temporary appointments under Rule VIII. Permit me in this connection to call your attention to the fact that under date of September 13, Collector Brady asked for a certification of eligibles to fill the places occupied by said temporary appointees. Pending, however, a determination as to the scope and

character of the examination, the request was suspended, and finally was held to await decision of the Attorney-General on status of deputy collectors under the various laws governing their appointment and removal.

It must be obvious to you, therefore, taking all these facts into consideration, that the words "noncompetitive examination," as used in my letter of September 11, 1897, only applied to appointments made under amended Rule VI, and not to temporary appointments made in the absence of an eligible list. I said nothing about appointments of the last-named class. I did say in the opening paragraphs of my letter that I was of opinion that the "term of a deputy collector is entirely dependent upon the will of the collector by whom he is appointed," but I did not suggest how any vacancy, except those arising under amended Rule VI, should be created or filled.

On September 25 you were advised as to the character of examination deemed advisable for "excepted" deputies, and yet on September 28, in Richmond, Va., your secretary expressed his disapproval "of the failure of the Secretary of the Treasury to prescribe these rules"—meaning rules for noncompetitive examination of excepted deputies—notwithstanding the fact that this office had, as stated, expressed its desires in that connection.

My letter of September 11 was not answered as it should have been, and no definite and specific statement has (to my knowledge) ever been made by you as to any particular deputy or deputies in the Second Virginia district who you think were improperly separated from the service. You claim to have made an investigation of the removals made in said district, as you are authorized to do under paragraph 4 of section 2 of the act of January 16, 1883, but I have not been apprised of the result.

Pending the expected decision of the Attorney-General on the matter at issue, it is suggested that if you will officially notify this office as to the names of the particular deputy collectors in the Second district of Virginia who were removed, as you believe, contrary to law, I shall be pleased to investigate and report to you my findings and conclusions in the matter.

Respectfully, yours, L. J. GAGE,
Secretary.

The UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C.

No. 38.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., November 2, 1897.

SIR: The Commission has the honor to invite the Department's attention to certain information reported by a representative of the Commission who recently visited the Richmond internal-revenue district for the purpose of investigating certain charges of violations of the civil-service act and rules in removals and appointments at that district. The Commission will not, in this communication, refer specifically to the several removals that have been made during the incumbency of the present collector, but will invite the Department's particular attention to the method by which new deputy collectors have been appointed without examination under the civil-service rules or the approval of this Commission.

It appears that the collector has appointed a chief deputy and one additional deputy in the Richmond office (where there are four employees), one deputy at Petersburg, and one deputy at Norfolk, both places being branch, or stamp, offices. These positions are treated as excepted from competitive examination under Rule VI, as amended July 27, 1897.

In filling the remaining positions of deputy collector, which positions are subject to competitive examination, the register of eligibles has been ignored and the appointments made without examination, as required by the act and rules. Civil-Service Rule VIII provides that upon the occurrence of a vacancy the appointing or nominating officer shall request certification to him of the names of eligibles. This has not been done in the appointments made to nonexcepted positions in the Richmond internal-revenue district, but appointments have been made under the pretended authority of Rule VIII, clause 12, which provides for emergency appointments whenever there are no names of eligibles upon the register. This authority, however, is coupled with the provision that they shall be subject to the approval of the Commission. In an opinion dated July 25, 1896, the Comptroller of the Treasury decided that under this rule no payment could be made to a person employed thereunder until his appointment was approved by the Commission. As the appointments to nonexcepted positions in the Richmond district have not been approved by the Commission, it is clear that under the opinion of the Comptroller no payment can be made to the persons thus appointed by Collector Brady. It is contended by the collector that he ascertained upon inquiry that at the time of making the appointments there were only two names of eligibles upon the register and that he was entitled to three names from which to make selection.

Admitting that there were but two names of eligibles upon the register, he still did not have the right to make appointments without examination, because Rule VIII, section 12, gives authority to make such appointments only "whenever there are no names of eligibles upon the register," and with the approval of the Commission. As there were names upon the register, and as the Commission did not give its approval, the contention of the collector is not well taken. The fact is, that had the collector performed his duty, as required by Rule VIII, clause 1, by making a request for a certification of eligibles, the Commission would, within a day, have completed the marking of papers of eligibles then on hand and replenished the register. The same day that the Commission became aware that the collector had made these illegal appointments, it marked the papers of the eligibles who were examined last March, and transmitted the names of such additional eligibles to the secretary of the board at Richmond. Even if the contention were well founded, under Rule VIII, section 12, the employment of these deputies should have been at once discontinued when the register was replenished, as the rules provide that "temporary appointment shall expire by limitation as soon as an eligible shall be provided."

Two months have elapsed without the requisition required by Rule VIII. The eligible register is ample for the purposes of certification, and the Commission is prepared to issue certificates as soon as your Department takes the initiative step, as required by the rules.

The Commission has not been officially informed of the names of the persons appointed to nonexcepted positions under the present collector of this district. The collector refused to give the Commission's representative who visited Richmond any information on any point connected with the investigation unless a request for such information was made

in writing and submitted to the Commissioner of Internal Revenue. There is nothing that so much aids the "boss" system as secrecy respecting appointments and removals. The action of the collector in declining to give the Commission's representative any information in reference to such public matters as to the appointments and removals at his office was clearly intended to obstruct and defeat the purpose of the Commission in sending its representative to Richmond. It would seem that there should have been no hesitation on the part of the collector to give information as to whom he had appointed and whom he had removed to any citizen upon application, and especially to a Government official charged with duties in respect thereto under the law.

In making appointments to nonexcepted positions Collector Brady has shown not merely defiance of the civil-service act, but a disregard of the efficient administration of his office. His avowed purpose has been to remove employees not of his own political faith under all circumstances, and by any necessary means to fill their places wholly from his own political party outside the law.

The Commission requests that the material facts in the several appointments made at the Richmond internal-revenue district be called to the attention of the auditing officers for the Treasury Department, through the Secretary of the Treasury, in order that such auditing officers may examine into the legality of the payment of salaries to persons whose appointment is in question. There was no emergency requiring appointment without examination except such as was created by the collector himself. He might have continued his old deputies or reinstated them for a day or two until appointments could have been made in the manner provided by the civil-service rules. If the Commission had been apprised by the Commissioner of Internal Revenue, arrangements might have been made to have had eligibles in readiness the very hour that the new collector was installed into office. The Commission also requests that the persons appointed to nonexcepted positions in the Richmond internal-revenue district without examination and certification be immediately separated from the service, and that the vacancies thus created be filled as the result of selection from certifications issued from the eligible register in accordance with the civil-service rules.

Very respectfully,

JOHN R. PROCTER, *President.*

The honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Washington, D. C., Nov. 2, 1897. U. S. Civil Service Commission. Information reported of investigation in Richmond internal-revenue district of violation of civil-service act and rules in removals and appointments.

No. 39.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., November 3, 1897.

SIR: The Commission has the honor to invite the Department's attention to so much of a report made by its representative who recently visited Nashville, Tenn., for the purpose of making an investigation of alleged violations of the civil-service rules in the fifth internal revenue district, as relates more particularly to the removals that have been made during the incumbency of the present collector. On October 29 the Commission called your Department's attention to the irregularity

involved in the several appointments that had been made by Collector Nunn, and requested that the persons illegally appointed be immediately separated from the service. It appears from the report of the Commission's representative that David A. Nunn succeeded Frank P. Bond, as collector in the Nashville district, on July 31, 1897. The roster of employees for that district, excluding the storekeepers and gaugers, was as follows: The office force consisted of eight employees—Porter, Bond, Bradford, Ryan, Howell, Morgan, Spurrier, and Johnson. The field force consisted of seven employees—Rutledge, Cox, Loyd, Robertson, Curtis, Hurt, and Anderson. There were three stamp deputies at branch offices—Martin, Echles, and Litty. There were also two fruit brandy deputies serving under ninety-day appointments—Lightfoot and Bradford.

Immediately upon assuming charge of the office Collector Nunn appointed Messrs. Priest, Lattin, Parker, Robertson, and Smith to positions which are excepted from the requirements of examination and certification under the provisions of Rule VI. He also made the following appointments to positions treated as nonexcepted, without examination and certification: Four field deputies—Kidd, Jenkins, Oliver, and Bell, and also one temporary field deputy, Joseph. But nine old employees were retained in their positions by Collector Nunn, the storekeepers and gaugers not being included in this statement. The nine employees referred to included eight regulars—Bradford, Ryan, Howell, Morgan, Spurrier, Johnson, Rutledge, and Anderson—and one temporary, Bradford. Of the eight regular employees thus retained three, Bradford, Ryan, and Morgan, were told that their reappointments were to be regarded as temporary; that the collector intended to make a test of his supposed right to remove bonded employees by not reappointing a number of division deputies, and if this attempt proved successful it was the intention to put out others. A fourth, Howell, is said to have been a gold Democrat, and voted for either Mr. McKinley or Mr. Palmer for President. A fifth, Miss Spurrier, was appointed by the present collector during his former administration and held her position through the term of the Democratic collector. A sixth, Johnson, a messenger, is a young man with only one arm. The two remaining, Rutledge and Anderson, are said to be most efficient officers and deserve to be retained.

As to the five removals from nonexcepted positions, no charges were made against four of them—Loyd, Robertson, Curtis, and Hurt—although it was stated by the chief deputy that there were good reasons for the removals of some of them. The fifth deputy, Cox, was transferred to the position of brandy deputy, the term of which was ninety days and expired on October 15. He resigned on October 6, such resignation to take effect October 13. In causing the dismissals of the four field deputies, Loyd, Robertson, Curtis, and Hurt, the collector violated the Presidential order of July 27, requiring that no removal shall be made from any position subject to competitive examination except for just cause and upon written charges filed with the head of the Department or other appointing officer, and of which the accused shall have full notice and an opportunity to make defense. The four field deputies referred to occupied nonexcepted positions, which are subject to competitive examination, and the removals were therefore subject to the requirements of the Presidential order. It is not contended by the Treasury Department that field deputies are excepted from the requirements of examination and certification. This is clearly shown from the numerous requests made by the Department upon this Commission for

the issuance of certificates, under Rule IX, for the reinstatement of persons to field-deputy positions.

The most open and serious violation, however, is the action of the collector in appointing several field deputies, without authority from this Commission, while there were names of eligibles upon the register for the Nashville district; and in this connection the Commission desires to call the Department's attention to its letter of October 29, which deals particularly with the several illegal appointments made in this district.

As to the changes made in this district, Collector Nunn gave the Commission's representative a very free and frank statement, which was as follows:

I am a Republican and much prefer having Republicans associated with me in the administration of my office. When I took charge, I was confronted with an office full of Democrats. I came in with the determination to put in Republicans in every position possible, keeping within the bounds of the law as I construed the law. The employees dismissed by me are all Democrats and the men who took their places are all Republicans. I take a great pride in having my office up to the highest standard, and want men associated with me who are politically in sympathy with me. As to the appointments of Messrs. Priest and Lattin to the two most important positions in the office, I simply say that I appointed them without hesitation, because they are men of the highest ability and had been associated with me in my previous administration of the office, and because the position of chief deputy was an excepted place under President Cleveland's rules and the position of general bookkeeper was excepted by the order of President McKinley, my office force consisting of more than four employees. I had no special objection to the predecessors of Messrs. Priest and Lattin, nor did I make any special inquiry about them.

The deputies of the stamp offices were also excepted, and I appointed men of my choice in the places of the incumbents when I took charge. As to the other changes, namely, five field deputies, I felt that I had a perfect right to discontinue the services of any employee of the office who gave bond to the collector and I proceeded to make changes as I saw proper. I retained Deputies Anderson and Rutledge (both Democrats) because they were most efficient officers. As to the deputies dismissed, I had complaints of a more or less serious nature of the manner in which they discharged their duties. I made no specific charges against any of them, however, but simply made the changes because I deemed it best for the public service. I appointed their successors outside of the civil-service list because there was no eligible list at the time, as I was informed by the president of the board. There were only two names on the eligible list as I subsequently learned, and I had confidence in my appointees, and they were Republicans, besides. They all took the examination on September 14, as I wanted them to be in a position to be appointed from the eligible register if I should be forced to comply with the strict letter of the civil-service rules. As to the two brandy deputies appointed by me, I took them from the eligible list, but without regard to their relative standing on that list. One reason for taking them that way was that they were both efficient men (one of them having served under me before); my other reason was that they were both active Republicans. Provided the man is efficient, I would take a Republican every time, but I would not appoint an incompetent Republican. I will add that I indorse all that Mr. Priest said in his statement to you, the examiner.

Collector Nunn acknowledges having made the statement above quoted in the following statement:

NASHVILLE, TENN., *October 28, 1897.*

I hereby certify and declare that the foregoing is a true report of the statement made by me to Examiner Fred Wannamaker, of the Civil Service Commission, on October 9, 1897.

D. A. NUNN,
Collector Fifth District Tennessee.

The report of the Commission's representative ends with the following statement:

In concluding this report, I am constrained to say that, from all information gathered during this investigation, I am forced to the conclusion that it was evidently the intention and purpose of Collector Nunn, when he took charge of his office, to develop some means by which he could supply the places of Democrats by partisan *friends of* his own political faith. The reasons for the dismissals of the division *deputy* collectors, which occurred immediately upon Mr. Nunn's induction into

office, could have been nothing else than political affiliation, as no investigation had been made and no grounds ascertained on which to predicate his then action. The selection of a number of the deputy collectors for dismissal was, it seems, experimental, and upon the result depended the tenure of others. Announced hostility to the civil-service law and a determined effort to emasculate it (so far as the Internal Revenue Service is concerned) are apparent, not only from the action of Collector Nunn, but from his very frank avowal.

It is believed that the report made by the Commission's representative makes it perfectly clear that Collector Nunn has violated the provisions of Civil-Service Rules III and VIII. It is also believed, in view of the announced hostility of Collector Nunn, that the only way in which to procure the observance of the law and rules in the Nashville internal-revenue district will be to remove the collector himself. This course was adopted by the Post-Office Department, as the result of the Commission's recommendations, in the cases of two postmasters who came into post-offices soon after they became classified with the same hostility to the law and rules, and who proceeded to make removals in the same manner as has been done in the Nashville district.

In this connection the Commission begs to call your attention to the following extracts from the civil-service act and the revised civil-service rules:

Section 2 of the civil-service act of 1883 provides—

> That it shall be the duty of said Commissioners to aid the President, as he may request, in preparing suitable rules for carrying this act into effect, and when said rules shall have been promulgated it shall be the duty of all officers of the United States in the Departments and offices to which any such rules may relate to aid, in all proper ways, in carrying said rules, and any modification thereof, into effect.

Section 1, Rule II, of the revised civil-service rules which were promulgated by the President on May 6, 1896, provides that—

> Any person in the executive civil service of the United States who shall willfully violate any of the provisions of the civil-service act or of these rules shall be dismissed from office.

One of the direct objects of the civil service act and rules was to put an end to appointments in the classified service on the basis of official favor and partisan influence by requiring examinations and other nonpartisan tests as a condition of entrance to the service. Rule II, clauses 4 and 5, prohibits discrimination by reason of political opinions in making appointments, and the law compels selections for the public service to be on the basis of merit instead of favor and influence. The collector in these partisan appointments has plainly violated the intent of Congress and the President, which was to place the service on an entirely nonpartisan basis and to forbid appointments (section 7 of the act) except among those who had been examined.

Very respectfully,

JOHN R. PROCTER,
President.

The honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Washington, D. C., Nov. 3, /97. U. S. Civil Service Com. Rel. to violations of civil-service rules by Coll. Int. Rev. in Nashville, Tenn., Dist. Answered by Com. Int. Rev. Nov. 10, /97.

No. 40.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., November 4, 1897.

SIR: The Commission has the honor to invite the Department's attention to certain information *contained* in the report of its representative

who recently visited Pittsburg, Pa., for the purpose of making an investigation of alleged violations of the civil-service rules in the Pittsburg (Pa.) internal-revenue district.

It appears from the examiner's report that during the short incumbency of Collector Fruit he had asked for the resignations of Deputies George K. Bochert, J. R. McMichael, and Martin F. Howley, each of whom, it appears, was the occupant of a nonexcepted position. Collector Fruit made the following statement in regard to these requests for resignations in the presence of the Commission's examiner and a trustworthy witness:

On September 14 Deputies Bochert, McMichael, and Bond Clerk Howley were individually called into my office and their resignations were verbally requested. No charges were preferred and no explanation offered as to why the request for their resignations was made, nor did I give them any intimation of my intention to request such resignation.

One of the deputies, Mr. McMichael, tendered his resignation. Deputy Collector Bochert and Bond Clerk Howley failed to hand in their resignations, and on or about September 23 charges were filed against them looking to their discharge.

A copy of the charges was furnished to each of the men and a copy forwarded to the Secretary of the Treasury.

The charge against Bond Clerk Howley, in substance, is political activity, made by one Tim O'Leary, a Democratic politician. The charge against Deputy Collector Bochert, preferred by Wheelock, a special deputy of the Treasury Department, is insubordination and failure to render proper assistance.

It will be seen from the interview with the collector, as stated above, that the requests for resignations were made on September 14; that two of the men, Bochert and Howley, failed to resign, and that the charges which are now preferred against them were not made until September 23, nearly ten days after the requests for their resignations were made. This in itself shows that the intent of the collector was to procure the resignations of the three men, presumably for political reasons, but certainly in violation of the order of the President of July 27, and the provisions of circular 480, issued by the Commissioner of Internal Revenue in pursuance of that order.

Deputy McMichael having tendered his resignation in accordance with the request of the collector, no charges were preferred against him, but Deputy Bochert and Bond Clerk Howley refused to hand in their resignations, and therefore ten days later charges were preferred against them.

There is nothing to show that at the time of requesting the resignations the collector was aware of any circumstances upon which to base charges. The charges appear to be of a trivial character. They are vague and indefinite, especially in the case of Bochert, and it is not believed that they conform to the requirements of Circular 122, issued by your Department on August 11, and Circular 480, issued by the Commissioner of Internal Revenue, in that they do not contain specifications detailing fully and explicitly any dereliction of duty or delinquency or misconduct.

It would appear that the collector, failing in his effort to secure voluntary resignations, resorted to this method of procuring the dismissals of the deputies.

The three persons referred to, McMichael, Bochert, and Howley, were still in the service at the time of the investigation, but it appears that

both Bochert and Howley, who refused to tender resignations, have since been removed from the service.

As regards the case of Mr. Bochert, the Commission has to state that in his letter of October 8, addressed to the Commission, he alleges that on September 14 the collector requested him to hand in his resignation because he was a Democrat, and for that reason only. Mr. Bochert further alleges that the collector told him that his conduct of the office was satisfactory. It is shown in the collector's statement to the Commission's representative that the charge against Deputy Collector Bochert was preferred by Mr. Wheelock, a special deputy of the Treasury Department. It appears that this same special deputy has expressed himself as being of the opinion that the rest of the Democrats in the collector's office at Pittsburg would have to go. In the Pittsburg Times of October 6, 1897, George W. Wheelock, a special agent of the Internal Revenue Service, while on an official investigation at Pittsburg, is quoted, in discussing the removals anticipated by the incoming collector of that city, as predicting removals by the new collector. The Times adds:

> Mr. Wheelock is not an admirer of the civil-service law, that keeps a man in office when his superior, the collector, who is under very heavy bonds, finds that an employee is not in sympathy with him and in some cases is not to be trusted.

Mr. Wheelock is quoted as saying that it was entirely within the line of probability that some reports he might make would furnish grounds for preferring charges, should it be necessary to do so, in order to get rid of incompetent or careless employees.

Again, in the Pittsburg Chronicle-Telegraph of June 29, 1897, D. D. Spaulding, an inspector in the internal-revenue service, with whom Mr. Wheelock filed his charges in the Bochert case, is spoken of as follows:

> Mr. Spaulding, although in the civil service himself, does not believe in the law to an extent that it is being carried out now. He thinks that it is wrong that a collector of internal revenue shall be compelled to give a heavy bond and then not be allowed to select his own employees. "I believe," said he to a Chronicle-Telegraph man, "that if a collector should have the sand to discharge employees regardless of the law and put in men whom he could trust, he would win his case in the Supreme Court. I do not think the law will hold if tested, for it does not appear to be reasonable."

Mr. Howley, in his letter of October 8, addressed to the commission, alleges that on September 14 the collector requested him to hand in his resignation because he was a Democrat and because he wanted to appoint a Republican in his place; that when asked whether there were any charges against him he, the collector, said that he had no fault to find with the performance of his (Howley's) work, and that he had requested the resignation solely for political reasons.

The inference seems irresistible, in view of the report of the commission's examiner who made the investigation and of subsequent information, that the collector desired to create vacancies in the positions held by Bochert and Howley, and failing to secure their resignations he preferred charges against them to secure their removals. The examiner reports that the charges are indefinite and trivial, and the commission requests that the Department will inquire into their sufficiency.

Respecting the statements alleged to have been made to the press by Messrs. Wheelock and Spaulding, it should be said that Congress and the President, in the civil-service act and rules, have made it the duty of officers, such as Mr. Wheelock and Mr. Spaulding, to aid in all proper ways in carrying the rules into effect. Instead of this we find these

officers seeking to discredit them and to prejudice public opinion against them and the declared policy of the Secretary of the Treasury.

Very respectfully,

JOHN R. PROCTER,
President.

The Honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Washington, D. C. U. S. Civil Service Comm. November 4, 1897. Report of investigation of alleged violation of civil-service rules in Pittsburg, Pa., internal-revenue district.

Resignations of Geo. K. Bochert, et. al., deputy collector.

Treasury Department, Office of the Secretary, Division of Appointments, November 22, 1897. Respectfully referred to the Commissioner of Internal Revenue, with the request that collectors be notified that until otherwise ordered existing rules relative to appointments of deputy collectors must be complied with. You will please furnish a report in this case. L. J. Gage, Secty. R. F. B.

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., December 1, 1897.

SIR: Referring to letter of the Civil Service Commission dated the 4th of November, 1897, and referred to this office on the 22d ultimo, in regard to the removal of Deputy Collectors George K. Bochert and Martin F. Howley, of the twenty-third district of Pennsylvania, I have the honor to state that the action of Collector Fruit in these cases was in strict accordance with the terms of Department Circular No. 119, and is believed by this office to have been based on good and sufficient grounds and to have been absolutely necessary for the maintenance of discipline by the collector to enable him to sustain himself in his proper efforts to administer the affairs of his district in the interest of good service.

It is respectfully suggested that it is hardly the prerogative of the Civil Service Commission to call in question the acts of appointing officers in the removal of their subordinates under authority of law and in accordance with the rules of the President. In August last this office embodied in a circular to collectors the restrictions imposed by the President in Executive Order of July 27, 1897, upon the power of removal conferred upon them by section 3148 of the Revised Statutes, and in all cases it requires evidence that the conditions of that order have been complied with before it approves the dismissal of deputy collectors. Having taken that action, this office does not recognize the right of the Civil Service Commission to call for explanations or further action in cases which have been finally settled in accordance with the President's order and the circular referred to.

I submit that when a collector of internal revenue, with the approval of this office, dismisses a deputy on charges which he has had full opportunity to meet, as directed by the President, and has not met satisfactorily, the action taken is not a proper subject of review by the Civil Service Commission. I am also of the opinion that the dismissal of a gauger or storekeeper, on charges investigated by the collector in accordance with said circular, examined by this office, and made the ground of a recommendation for such dismissal, is not properly before the Commission for criticism or comment.

I venture to submit this opinion in the interest of the service, which can hardly be advanced by the present practice of the Commission of granting a hearing to any subordinate dismissed on charges, referring complaints to the Secretary, by whom they are in turn referred to this office for remark, involving a reiteration of the facts in the case, making endless and apparently useless clerical work, and at the same time impairing discipline in the force. The attempt of the Commission to review and supervise the administration and discipline of the internal-revenue service entails on this office, as above stated, a burden of unnecessary correspondence, which has become a serious obstruction to important routine work. It impairs the efficiency of the force in the field and endangers the collection of the revenues, and is not only a violation of official ethics, but an invasion of the domain of responsibility under the internal-revenue laws—a responsibility imposed upon the Commissioner of Inter-

nal Revenue, not upon the Civil Service Commission. An earnest protest is entered against any further encroachment upon the prerogatives of this office in this regard.

Very respectfully,

G. W. WILSON,
Acting Commissioner.

The honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Treasury Department, Office Internal Revenue, December 1, 1897. Hon. G. W. Wilson, Acting Commissioner. Relative removals in 23rd district, Pennsylvania, etc.

No. 41.

INTERNAL-REVENUE SERVICE,
SECOND DISTRICT OF VIRGINIA, COLLECTOR'S OFFICE,
Richmond, Va., November 4, 1897.

SIR: Responsive to your letter (Division of Appointments, D), dated October 30, 1897, which was received at this office this morning, I have the honor to report that on October 20, 1897, I received from the United States Civil Service Commission File No. 850 (Form 144), dated October 19, 1897, the original of which is herewith inclosed, marked "Exhibit A," and to which attention is requested.

In reply to this circular on October 21, 1897, I addressed a communication to the honorable Commissioner of Internal Revenue, of which the following is a copy:

RICHMOND, VA., *October 21, 1897.*

SIR: I have the honor to report that during my absence from the office here on yesterday, and while confined to my home in Petersburg on account of sickness, the notice from the United States Civil Service Commission, Form No. 144, herewith inclosed, was received. Relative thereto I request to be furnished with the Forms 143 to enable me to make this report.

According to this Circular No. 144 from the Civil Service Commission, I am directed to forward to the Commission, through the secretary of the board of examiners, the monthly report of changes in the service, which requirement is contrary to the instructions furnished me during the early part of the last month in person, both at your office and by Mr. Civil Service Commissioner Rice, which was that all official reports and communications to the United States Civil Service Commission should be forwarded by the collector through your office, and unless I am advised to the contrary, I deem it my duty to comply with the latter instructions from your office.

I also again invite your attention to the fact that, according to my understanding, there is at present no board of civil-service examiners connected with the internal revenue office in this district.

Please return the inclosed Form No. 144 for the files of this office, which is forwarded to you in order that you might be advised of this requirement of the Civil Service Commission.

Respectfully, yours,

JAS. D. BRADY,
Collector.

To the honorable the COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C.

In answer to my foregoing letter I received from the honorable Commissioner of Internal Revenue a letter of which the following is a copy:

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., October 25, 1897.

SIR: In reply to your letter of 21st instant, inclosing Form No. 144, received from the Civil Service Commission, calling upon you for statement of changes in your force on Form 143, you are advised that it is the custom of collectors to forward reports of changes after they are made directly to the Commission. All correspondence preliminary to changes, calling for certification, stating the needs of the service, etc., should be addressed directly to this office.

Very respectfully,

W. S. FORMAN, *Commissioner.*

JAMES D. BRADY, Esq.,
Collector Second District, Richmond, Va.

On October 28, 1897, I received from the United States Civil Service Commission another notice, File No. 851 (Form 144), dated October 25, 1897, the original of which is herewith forwarded, marked "Exhibit B," and to which attention is requested.

This last notice from the Civil Service Commission was received by me during my absence from the office when confined to my home by sickness, and on October 30, 1897, I addressed a letter to the Honorable John R. Procter, president of the Civil Service Commission, of which the following is a copy:

RICHMOND, VA., *October 30, 1897.*

SIR: Referring again to your File No. 851 (Form 144) of the 25th instant, I have the honor to state that in view of the fact that the matter of appointments of deputies in this internal-revenue district is now, as I am advised, before the Attorney-General, upon the reference of the honorable Secretary of the Treasury, I am of the opinion that pending the decision of the question involved I have no report to make on the Civil-Service Form 143 for the month of September.

I deem it proper in making this reply to your notice to state that my entire action in respect to the appointments of deputies since I assumed charge of this office, on the 31st of August last, has been reported in detail to the Treasury Department. This may be ascertained by reference to my letters addressed to the honorable Commissioner of Internal Revenue, dated, respectively, September 3, September 9, (two letters), September 11, September 13 (three letters), September 25, September 27, September 29, and October 2, and also by reference to my full and complete report of the organization of the district on Internal Revenue Form 204.

My action in the premises has been approved by both the Acting Commissioner of Internal Revenue and the honorable Secretary of the Treasury, as I am officially advised.

This being the record, I submit that if there has been any failure to strictly conform to the reported views of your Commission as to the appointments made in this district the responsibility therefore should be placed where it properly belongs.

Respectfully, yours,

JAS. D. BRADY, *Collector.*

Hon. JOHN R. PROCTER,
President United States Civil Service Commission, Washington, D. C.

I have no response to this communication from President Procter, of the Civil Service Commission, and in view of the fact that the question of my right to appoint deputies is now pending before the Attorney-General I am of the opinion that I have nothing to report on Civil Service Form No. 143 for the month of September, 1897.

If my construction of the statute bearing upon this question is correct, and I understand that my action in the matter of these appointments of deputies has been approved by the honorable Commissioner of Internal Revenue, and by the Secretary of the Treasury in his letter to the Civil Service Commission dated September 14, 1897, and, further, by the opinion of Assistant Attorney-General Boyd, then certainly I have no report to make on Civil Service Form No. 143 of the Civil Service Commission. As a matter of fact, there were no changes in the internal-revenue service of this district for the month of September, 1897.

Two days prior to this letter of mine of the 30th, above copied, I also addressed a letter to the president of the Civil Service Commission, requesting to be furnished with a supply of Forms 143, as will be seen by reference to my said letter, of which the following is a copy:

RICHMOND, VA., *October 28, 1897.*

SIR: I have the honor to request to be furnished with a supply of Forms 143, referred to in your File No. 851 of the 25th instant, which I received to-day upon my return to the office. I also request to be furnished with a copy of Form 131, which is likewise referred to in your File No. 851.

Very respectfully,

JAS. D. BRADY, *Collector.*

Hon. JOHN R. PROCTER,
President United States Civil Service Commission, Washington, D. C.

Now, as to the report to the Treasury Department by the United States Civil Service Commission, under date of 26th instant, as I am advised relative to this matter by the letter of Acting Secretary Spaulding, dated October 30, 1897, received at this office to-day, it is therein made manifest that the Civil Service Commission were either not fully advised in regard to my action or I am misrepresented. As a matter of fact, I had no notice whatever in regard to reporting changes in the internal-revenue service of this district until the receipt on October 20 of the Civil Service File No. 850 (Form 144), inclosed herewith and marked "Exhibit A," and yet the Commission in its said report to the Department states that I had been sent the usual letter informing me that the report should have been rendered before the 10th instant.

Relative to the Form 131, which I have received from the Civil Service Commission, I beg to state that there is no other reference to the instructions to appointing officers in said Form 131 in the internal-revenue service than that on page 27 of said form, and this reference is clearly misleading and does not embrace the existing regulations of the civil service itself in respect to appointments in the internal-revenue service.

Another point upon which I desire information; and that is, who are the members of the civil-service board of this district and who is the secretary of the board. Secretary Doyle, of the Civil Service Commission, during his visit to my office on September 28 last, promised to have me promptly advised as to the membership and secretaryship of this board, but as yet I have not been informed about this important matter. And in connection with Secretary Doyle's said visit I would ask the attention of the Secretary of the Treasury to my report of September 29 to the honorable Commissioner of Internal Revenue, which may perhaps explain the animus of the reports from the Civil Service Commission to the Department misrepresenting my action.

In connection with this matter, permit me to say that I have earnestly desired to carry out the law and the rulings of the Department and of my superior officers, and as well to comply with all the law and regulations made in pursuance of the law by the Civil Service Commission, and if further action in this particular matter is required I await instructions from the Department to execute the same.

I respectfully request that a copy of this letter be furnished to the Civil Service Commission.

Please return Exhibits A and B, forwarded herewith, as they belong to the files of this office.

Respectfully, yours,

JAS. D. BRADY, *Collector.*

Hon. O. L. SPAULDING,
Acting Secretary of the Treasury, Washington, D. C.

(Indorsed:) Richmond, Va., November 4, 1897. Jas. D. Brady, collector of internal revenue, 2d district of Virginia. Subject: In reference to the report of the Civil Service Commission to the Hon. Sec'y of the Treasury regarding changes in int. rev. service of district.

No. 41A.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., October 25, 1897.

Please forward at once to this Commission, through the secretary of the board of examiners, your report of changes in the service for the month of September.

These reports should be made on Form No. 143, and the report for each month should be forwarded before the 10th of the succeeding month. A careful study of the instructions printed at the head of that form, and exact conformity thereto, will prevent errors in rendering the reports and the necessity for consequent correspondence. (See page 23, Form 131.)

Very respectfully, JOHN R. PROCTER,
President.

COLLECTOR OF INTERNAL REVENUE,
Richmond, Va.

(Indorsed:) Exhibit B. Original file No. 851, dated Oct. 25, 1897, from Civil Service Commission, forwarded with letter dated Nov. 4, 1897, from Collector Jas. D. Brady to Hon. O. L. Spaulding, Acting Secretary of the Treasury.

No. 41B.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., October 19, 1897.

Please forward at once to this Commission, through the secretary of the board of examiners, your report of changes in the service for the month of September.

These reports should be made on Form No. 143, and the report for each month should be forwarded before the 10th of the succeeding month. A careful study of the instructions printed at the head of that form, and exact conformity thereto, will prevent errors in rendering the reports and the necessity for consequent correspondence. (See page 23, Form 131.)

Very respectfully, JOHN R. PROCTER,
President.

COLLECTOR OF INTERNAL REVENUE,
Richmond, Va.

(Indorsed:) Exhibit A. Original file No. 850, dated Oct. 19, 1897, from Civil Service Commission, forwarded with letter dated Nov. 4, 1897, from Collector Jas. D. Brady to Hon. O. L. Spaulding, Acting Sec'y of the Treasury.

No. 41c.

Statement showing the organization of the second district of Virginia, under the annual allowance for the fiscal year commencing July 1, 1897.

[Reported by James D. Brady, collector from September 1, 1897.]

Full name of deputy or clerk.	Rank.	Salary.	Traveling expenses.	P. O. address.	Date of appointment by present collector.	No. of division.	No. of counties in division.	Duties and territory assigned to each. (If deputy sells stamps, state kind sold.)	Distilleries. Grain or molasses.	Distilleries. Fruit.	Breweries.	Tobacco factories.	Cigar factories.	Rectifiers.	W. L. D. and W. D. M. L.	R. L. D. and R. D. M. L.	Oleomargarine. Factories.	Oleomargarine. W. D.	Oleomargarine. R. D.	Opium factories.	Playing-card mfrs.	Total.
Wray T. Knight *a*	D. C	2,000		Richmond, Va	Sept. 1			Chief deputy collector, official correspondence, records 44, 56, 81.														
Nicholas J. Smith *b*	D. C	1,600		do	do			Deputy collector, stamps, tobacco, cigar, snuff, special tax, spirits, records connected with same.														
Allan Talbott, jr. *c*	D. C	1,400		do	do			Deputy collector, 1, 3, 4, 5, 6, 7, 8, 9, 29, 30, 31, 32, 34, 43, 71, 87.														
John H. Campbell *a*	D. C	1,400		do	do			Deputy collector, 14, 15, 20, 22, 23, 39, 45, 53, 84, 89.														
S. J. Gilliam *a*	D. C	1,400		Petersburg, Va	do			Deputy collector, stamps, tobacco, cigars, snuff, special tax, and all other stamps and records connected therewith.														
John Enders, jr. *c*	D. C	1,300		Richmond, Va	do			Deputy collector, fruit brandy reports and records, W. L. D. stamps and records 2, 10, 38, 41, 46, 50.														
Benj. Taylor McCue *d*	D. C	1,100		do	do			Deputy collector, tobacco inspector.														
Asa Hogers, jr. *d*	D. C	1,100		Petersburg, Va	do			Deputy collector, bonded tobacco account, tobacco inspector and general work, Petersburg office.														
Edward Thompson *d*	D. C	1,000		Richmond, Va	do			Deputy collector, visiting tobacco and cigar factories and breweries, records 11 and 13.														
Samuel B. Clarkson *e*	D. C	1,000		do	do			Deputy collector, writing tobacco stub books, assisting stamp D. C., making schedules and other work.														
Mrs. L. R. Dashiell	Clerk	900		do	do			General office work. Report on Form 144.														
Thomas F. Meany *d*	D. C	900		do	do			Bonded tobacco account and general office work.														
Robert F. Hartwell *d*	Mess	500		Petersburg, Va	do			General office work at main office, Richmond.														
Miss K. J. McHugh *c*	D. C	400		Norfolk, Va	do			Stamps, cigar, special tax, and other stamps, and reports connected therewith.														
Charles Gee *d* (special 3 mos.)	D. C	1,500	720	Disputante, Va	do			Special canvass of distillers of district, under direction of collector.														
Joseph W. Southward *d*	D. C	1,000	500	Richmond, Va	do	1	11, and cities of Richmond and Manchester.			44	2	39	79	8	18	540			20			750
Lewis Youngblood *b*	D. C	1,000	500	Petersburg, Va	do	2	8, and city of Petersburg			67		9	6		3	120						215
Robert O. Deyer *d*	D. C	1,000	500	Handsom, Va	do	3	7, and cities of Norfolk and Portsmouth.			50	1		41	4	17	473		2	39			593
Benjamin S. Hooper *d*	D. C	1,000	500	Farmville, Va	do	4	9		2	105						75						182
Josephus Trader *d*	D. C	900	500	Fitchette, Va	do	5	11			39						105						144

a These appointments exempted and made under the President's order.
b These appointments made under Rule 14, civil-service rules: Reinstatement, honorably discharged Union soldiers.
c Held office under Collector Wm. Ryan prior to September 1, 1897.
d These appointments made under section 12, Rule VIII, of civil-service rules.
e Resigned September 4, 1897, and Augustus C. Peay, who was deputy collector under Collector Ryan prior to September 1, 1897, appointed to fill vacancy.

Dated at Richmond, Va., this the 7th day of September, 1897.

JAS. D. BRADY,
Collector Second District of Virginia.

No. 42.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., November 5, 1897.

GENTLEMEN: This office is in receipt of certain letters from you bearing the following dates: October 27, October 29, ultimo, two dated November 1, two dated November 2, and one dated November 3, instant. On the upper right-hand corner of said letters appears the following: S-File No. 826; S-File No. 836; S-File No. 860; S-File R. L., 5050-C.; S-File No. 851, and S-File 4836-R. L., respectively. All of said letters refer to appointments by collectors of internal revenue of deputy collectors. Some of said deputies are within the excepted class, but the most of them belong to the so-called nonexcepted class.

The majority of the appointments referred to, you state, were made to nonexcepted places in districts where there was an eligible list containing a sufficient number of eligibles to fill the places to which appointments have been made, but that the collector in each instance ignored the existence of the eligible list.

You hold that the appointments are in apparent contravention of the civil-service act and rules, and you therefore ask that the accounting officers of the Treasury may be furnished with specific information relative to each of the said appointments, in order that they may determine whether or not to withhold authorization of the payment to said deputy collectors of the compensation to which they would be entitled if properly appointed.

In some of these cases you ask, in view of the irregularities involved in the appointments, that this Department may take such action as may result in the separation of the appointees from the service and the appointment of their successors, in accordance with the civil-service rules.

You state that you are forced to believe that the dismissals and illegal appointments referred to by you have been made without the personal knowledge of the Secretary of the Treasury, "who has announced his intention of carrying out the spirit and letter of the civil-service law and rules."

In reply, permit me to say that this whole matter has been the subject of a prolonged correspondence, and that you ought by this time to understand fully and completely the attitude of this office.

As you are aware, the various collectors of internal revenue, whom you charge with having made the improper appointments in question, contend that the methods of appointments which have heretofore obtained have been improper, and that the collectors have been deprived of the privilege accorded to them by law of making their own selections, irrespective of the civil service rules.

You are also aware of the fact that the whole matter has been referred to the Attorney-General for an opinion as to the justice of the claim made by the collectors. Pending a decision by the Attorney-General in this matter, this office is unable to take any decisive action in the cases referred to by you.

Your Commission will not, I opine, contend that the Secretary of the Treasury has the power, under the law, to either appoint or remove deputy collectors of internal revenue. It must be apparent to you also that there is no power lodged with the Secretary of the Treasury by which he can force a collector of internal revenue to appoint, "by an instru-

ment of writing under his own hand," a deputy. It is, of course, within the province of this office to suggest or request a collector to make a removal of a deputy whom it may be considered was improperly appointed, but there is no possible way of enforcing that request, except by an appeal to the President of the United States to remove the collector who may ignore or fail to comply with such request.

There exists at present an honest difference of opinion as to the rights of collectors in the premises, and you must therefore be content to await a formal decision by the Attorney-General in the matter before further action can be taken.

The collectors who are charged by you with an infraction of the law are all bonded in large amounts to the United States for the faithful performance of their duties. They have, in turn, required bonds from the deputies whom they have appointed. Serious questions might arise as to their responsibility for the acts of their deputies, and if they claimed coercion on the part of this Department as to the removal or appointment of deputies, there might be doubts as to the ability of the Government to recover damages or penalties in case of default by a deputy collector who was either appointed or removed contrary to the expressed will of the collector having the power to make the appointment.

While this office is anxious to carry out to the fullest extent the recognized principles of the civil-service law and regulations, it is not willing, while the question is pending before the Attorney-General, as before stated, to take any further action in the premises, and the several letters hereinbefore referred to will not receive further answer until the Attorney-General shall have rendered his opinion.

Respectfully, yours, L. J. GAGE,
Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C.

No. 43.

INTERNAL REVENUE SERVICE,
SIXTH DISTRICT OF MISSOURI,
DEPUTY COLLECTOR'S OFFICE,
St. Joseph, Mo., November 6, 1897.

DEAR SIR: Are division deputy collectors of internal revenue included in civil service, or does their time expire with their collector's? Hoping to hear from you at your earliest convenience, I remain,

Very respectfully, yours,

JOHN B. ROGERS,
Deputy Collector Sixth District Missouri.

Hon. LYMAN J. GAGE,
Secretary of the Treasury, Washington, D. C.

(Indorsed:) Mail division, Treasury Department. Received Nov. 8, 1897. John B. Rogers, dep'y collector of internal revenue, 6th dist. Mo. St. Joseph, Mo., Nov. 6, 1897. Subject: Tenure of office of division collectors, int. rev. Answered Dec. 19, 1897.

(No. 43A.)

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., December 17, 1897.

SIR: In reply to your letter of the 6th ultimo, in which you ask whether "division deputy collectors are included in the civil service, or does their time expire with their collectors," I have to inform you that the law provides (sec. 3148, U. S. Rev. Stat.):

> That collectors of internal revenue shall be authorized to appoint, by an instrument in writing under his hand, as many deputies as he may think proper. * * *

When, therefore, a new collector assumes office and fails or declines to appoint as deputies the persons who were deputies of his predecessor, said collector must call upon the Civil Service Commission for a list of eligibles from which to fill vacant deputyships, including such persons as are eligible to reinstatement under Rule IX of the civil-service rules.

Respectfully, yours,

L. J. GAGE, *Secretary.*

Mr. JOHN B. ROGERS,
Deputy Collector of Internal Revenue, St. Joseph, Mo.

No. 44.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., November 6, 1897.

SIR: I am credibly informed that the honorable Attorney-General declines to make any decision in the case recently submitted to him, involving the appointment by collectors of internal revenue of deputies selected by them without regard to the provisions of the civil-service law relating to such appointments.

The reason (as given by my informant) for the attitude assumed by the Attorney-General in the case at issue is that he can not consider a hypothetical case. I therefore have the honor to submit the accompanying letter covering a case in point which originated in the Second district, Virginia.

It is of the utmost importance that definite action should be taken in this case, for, while this office is in accord with the view of the law assumed by Collector Brady, it is not in any way desirous of obstructing the carrying out of the civil-service rules pertaining to this or any class of appointments.

The issue in this case was presented by Collector Brady and not by this office. It must be met, not by iteration and reiteration on the part of the civil service of their opinions and rules bearing upon the subject, but by such a decision of the law officers of the Government as will permit this office to proceed without danger of jeopardizing the rights of either collectors of internal revenue or their appointees.

The Civil Service Commission insists that both the paying and accounting officers of this Department shall be at once notified that, under decision of the Comptroller dated July 25, 1896, a disbursing officer will not receive credit for payments made to temporary appointees whose appointments have not been approved by the Commission. Undoubtedly this ruling will properly apply to all cases where no actual

issue has arisen as to the power of appointment without the intervention of the Commission,

As this matter not only involves the payment of the deputies recently appointed in Virginia and Tennessee, but the legality of their acts as deputies, you will agree with me that there is pressing necessity for an early decision showing the precise status of deputy collectors.

Respectfully, yours,

FRED BRACKETT,
Chief Division of Appointments.

The honorable the SECRETARY OF THE TREASURY.

No. 45.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., November 6, 1897.

SIR: I have the honor to submit herewith a communication from the Civil Service Commission relative to recent appointments of deputy collectors of internal revenue made by the collector of the Knoxville, Tenn., district. The Commission, as you will observe, charge that the eligible register has been ignored in the appointments of R. M. Rains, J. F. Toney, J. W. Howard, W. H. Cadle, and William C. Hornsby.

The facts in the case are that the collector made the appointments in question upon the theory that sections 3148 and 3149 of the Revised Statutes, and the act of March, 1879, confer upon him the right to appoint and remove his deputies without regard to the provisions of the civil-service law and rules made thereunder.

The issue thus raised is a very important one, involving not only the payment of the compensation of the deputies so appointed, but the legality of their acts.

I have the honor to ask your opinion as to the power of the collector in the premises, and to direct your attention to the accompanying briefs prepared by the Civil Service Commission, the Commissioner of Internal Revenue, and this office. An early reply will be appreciated.

Respectfully, yours,

L. J. GAGE, *Secretary.*

Hon. MAURICE D. O'CONNELL,
Solicitor of the Treasury.

No. 45½.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., November 6, 1897.

SIR: The Commission has the honor to acknowledge the receipt of your letter of September 10, transmitting a copy of a letter from G. W. Wilson, Acting Commissioner of Internal Revenue, in which he refers to the unsatisfactory condition of the register of eligibles for the fourth district of Texas and states that a similar condition exists in other districts. He suggests that more care should be taken as to the moral and physical qualifications of persons permitted to enter the examinations.

In reply, the Commission calls attention to the fact that two of the eligibles of the register referred to, according to the statement of

(No. 43A.)

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., December 17, 1897.

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Respectfully, yours,

L. J. GAGE, *Secretary.*

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The issue in this case was presented by Collector Brady and not by this office. It must be met, not by iteration and reiteration on the part of the civil service of their opinions and rules bearing upon the subject, but by such a decision of the law officers of the Government as will permit this office to proceed without danger of jeopardizing the rights of either collectors of internal revenue or their appointees.

The Civil Service Commission insists that both the paying and accounting officers of this Department shall be at once notified that, under decision of the Comptroller dated July 25, 1896, a disbursing officer will not receive credit for payments made to temporary appointees whose appointments have not been approved by the Commission. Undoubtedly this ruling will properly apply to all cases where no actual

issue has arisen as to the power of appointment without the intervention of the Commission,

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The honorable the SECRETARY OF THE TREASURY.

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SIR: The Commission has the honor to acknowledge the receipt of your letter of September 10, transmitting a copy of a letter from G. W. Wilson, Acting Commissioner of Internal Revenue, in which he refers to the unsatisfactory condition of the register of eligibles for the fourth district of Texas and states that a similar condition exists in other districts. He suggests that more care should be taken as to the moral and physical qualifications of persons permitted to enter the examinations.

In reply, the Commission calls attention to the fact that two of the eligibles of the register referred to, according to the statement of

the Acting Commissioner, do not appear to be objectionable on account of any moral or physical disqualification. In reference to the other two, he asserts that one is a man of dissipated habits and that the other left the community under a cloud connected with some business transaction. Under the provisions of section 3, Rule V, the Commission has ample authority to purge a register of the names of unworthy eligibles, and if evidence is furnished which warrants action the Commission will take pleasure in cooperating with collectors or with the Department in eliminating the names of objectionable persons from the register. The Commission is quite as anxious as the Department can be to elevate the standard of official life as much as possible, and is ever ready to cooperate in any methods which will have such a result. Applicants are admitted to examination only after furnishing, under oath, their own statements of moral fitness, corroborated by the certificates of citizens. There is, of course, always danger that this evidence may be unreliable, but it is within the province of any appointing officer residing in the locality from whence these applicants come to scrutinize their records and furnish the Commission with official statements which will disclose the true character of the applicant or eligible.

In reference to physical qualifications referred to in the Acting Commissioner's letter, if the Department desires to require a medical certificate from applicants the Commission will arrange for it.

In the cases cited the Commission is not only ready to eliminate unworthy eligibles upon satisfactory proof of their unworthiness, but, if necessary, the register being small, new examinations will be ordered and opportunity will be afforded to collectors to secure the examination of the most worthy applicants whom they may be able to interest in the matter.

Very respectfully,

JOHN R. PROCTER,
President.

The honorable the SECRETARY OF THE TREASURY.

No. 46.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., November 6, 1897.

SIR: The Commission is in receipt of a report from the collector of internal revenue at Richmond, Ky., showing the temporary appointments of E. S. Helburn and F. V. Logan to deputy collectorship positions on August 1, 1897, without examination and certification. As such appointments were made during the existence of an elegible register, the Commission holds that they were in violation of the civil-service rules, and has to request that such action be taken as will result in the immediate separation from the service of the persons named.

Very respectfully,

JOHN R. PROCTER, *President.*

The honorable the SECRETARY OF THE TREASURY.

No. 47.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., November 8, 1897.

SIR: Your attention is invited to the following statement of facts reported by the Commission's representative who recently made an in-

vestigation of alleged violations of the civil service-rules in the internal-revenue district at Dallas, Tex.

It appears from his report that when Collector Hunt assumed charge of the office, on August 19, 1897, he removed W. S. Muse, the chief deputy, and appointed G. D. Hunt in his stead. This position is excepted from competitive examination. At the same time he removed W. J. J. Terrell, R. W. Miers, P. Q. Russell, and George L. Patrick. No reason was given to the deputies for their removal, the collector merely informing them that their services would be no longer required. It further appears that Collector Hunt held that the commissions of deputies expired with the commission of the collector who appointed them. No charges were made against the deputies, as required by Rule II, clause 8. In filling the vacancies thus illegally created, the collector reinstated Theodore Hitchcox, a certificate for whose reinstatement has since been issued, and temporarily appointed Charles C. Flanagan, A. McCampbell, and William Hageman under the pretended authority of Rule VIII, section 12. At the time of these temporary appointments there were 9 names on the eligible register, but 2 of the names should be dropped because of valid objections made by the collector.

It seems that Collector Hunt violated section 8 of Rule II in removing deputy collectors, and that he also violated section 12 of Rule VIII in appointing three persons during the existence of an eligible register.

Collector Hunt requested the resignation of R. C. Wood, a clerk, to take effect within thirty or sixty days, but Wood declined to resign. It is apparent that there has been an effort on the part of the collector to procure the separations of employees of one political party and to fill the vacancies by the appointment of persons of an opposite party who had not been examined. The examiner states in his report that "the outgoing deputies are all Democrats, while the new appointees are all Republicans."

In view of these violations of the rules the Commission requests that the four deputies thus illegally separated from the service be restored and that the auditing officers be informed of the illegal appointments.

There is but one way in which wrongs of the kind committed by Collector Hunt can be righted, and that is by the removal of the offender. Where a large number of removals is made, this fact should be considered presumptive evidence that they were made for political reasons, and to overcome this presumption the officer making them should be able to give specifically and in detail the reasons for each removal made. Some of the changes in the many internal-revenue districts from which complaints have been received were doubtless necessary and proper, but the Commission is convinced that very many of them were made merely for partisan reasons. It is improbable that such sweeping removals could have been made except from partisan and selfish considerations.

Admit that the deputies have a term which expires with the term of the collector. The mere expiration of the term can not affect the incumbent's qualifications. Not to appoint an honest and competent officer to a position which is in no sense whatever a political position is virtually to remove him. It is obviously a cardinal principle of efficient service that the mere expiration of a term shall not be equivalent to dismissal. All of the division deputies were dropped from the service. Either, therefore, such deputies were unfit for their places or they have been practically removed without just cause. If the former supposition be correct and all of the deputies are found at the end of a few years to be unfit for their places, it is a conclusive condemnation of the system under which they were appointed. It proves that system to be

utterly inadequate and disgraceful. Or if the deputies were removed not because they are unfit, obviously some other reason than the welfare of the service has caused the removals. In either case the system, the continuance of which is repugnant to the aim of the civil-service act and which should no longer be tolerated, stands condemned either as admitting 100 per cent of unfit deputy officers into the service or as displacing for political or personal or private reasons the same proportion of honest and efficient public servants. It is no mere accident that all of the outgoing deputies are of one political party and all of those appointed of an opposite political party. The proof is conclusive that political reasons controlled the removals and appointments and that in so doing Collector Hunt violated the civil-service act and rules and should himself be removed from the service.

Treasury Circular 122 and Internal Revenue Circular 480 were issued for the avowed purpose of preventing removals in violation of the civil-service rules. It is apparent from the complaints that have been received by the Commission and from the reports of its representatives who have made personal investigations that the instructions contained in the circulars referred to are being flagrantly violated by the officers to whom they were issued.

While the Commission is aware that the question of the removal of deputy collectors has been submitted to the Attorney-General, it still remains the duty of collectors of internal revenue to carry out the rules of the President and the orders of the Secretary of the Treasury and the Commissioner of Internal Revenue thereunder. Until the act and rules have been set aside by competent authority the collectors should respect and obey them.

Very respectfully, JOHN R. PROCTER,
President.

The honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Washington, D. C., Nov. 8, '97. U. S. Civil Service Com. Rel. violations of the civil-service rules by collr. int. rev., Dallas, Texas. Ans. by Com. Int. Rev., Nov. 10, '97.

No. 48.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., November 9, 1897.

GENTLEMEN: I have the honor to acknowledge the receipt of your favor of September 17 last inclosing communications from J. P. Gray, gauger, Somerset, Ky., and H. L. Scott, storekeeper and gauger, Camp Nelson, Ky., who allege that the collector of internal revenue at Richmond, Ky., removed them from office on the ground that there were more gaugers and storekeepers in his collection district than were needed or demanded to properly conduct the revenue business; further, that in making such reductions no regard was had to competency, efficient men being dismissed and inefficient men retained; and that notwithstanding these removals on the alleged ground of reduction of the force, new appointments were being made of men wholly of one political faith.

You state that "if these complaints are true, it would seem that the civil-service rules are being violated in making removals for political reasons."

Your letter, with accompanying papers, was referred through the Commissioner of Internal Revenue to Collector Yerkes for a statement of facts in the case. Herewith I send copy of his reply and accompanying papers.

While it is true that gaugers and storekeepers are both appointed and dismissed by this office on the recommendation of collectors, and that Messrs. Scott and Gray were dismissed by this office on September 20, 1897, upon Collector Yerkes's recommendation, thus confirming the opinion of the collector in these cases, this office is, nevertheless, willing in this case to convey to you all the information possessed in the premises, but declines for obvious reasons to make this a precedent to cover all cases of like character. This office must be the judge as to the number and character of unassigned gaugers and storekeepers to be employed in any internal-revenue district. Mr. Gray seems to have been under assignment and on duty when removed, but the collector explains why it was deemed proper to suspend and discharge him. It does not seem necessary to review his case further, in view of the fact that he is out of the service, and the further fact that a reinstatement would ultimately result in his discharge for cause.

You will, of course, understand that the question of employment and discharge of gaugers and storekeepers who are unassigned differs materially from that of other officials, in that their retention is entirely within the discretion of this office. This office is not willing to establish any set rule to govern the discharge of any gauger or storekeeper who may be unassigned, but as the law provides that not more than 15 per cent (see act March 3, 1885) in excess of the actual number required for duty at any time shall be commissioned, to that extent the appointments will in all cases be limited, care being taken that changes in the force shall conform to law, and that no unnecessary officials will at any time be commissioned.

This office will endeavor to do exact justice where complaints for unfair or illegal treatment (well defined and well supported by evidence) are made, but it is manifest that where discretion is lodged in this office as to the number of any class of officials "indispensably necessary for the performance of (said) duty," it is respectfully suggested, it is not intended that the proper exercise of such discretion should be subject to review by your Commission.

Respectfully, yours, L. J. GAGE,
Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C.

No. 49.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., November 9, 1897.

SIR: In reply to your letter of the 6th instant in regard to the appointment of F. V. Logan and E. S. Helburn as deputy collectors in the eighth district of Kentucky, and requesting such action as will result in their immediate separation from the service, you are advised that the records of the Internal-Revenue Bureau show that Mr. Logan received an emergency appointment in said district on the 6th of August, 1897, and that on the 23d of August he was certified by your honorable Commission as eligible for reinstatement under Civil-Service

invited to the fact that these cases are analogous to that of Collector Brady, of the second district of Virginia, in which an agreement was had by the acting president of the Civil Service Commission, the Acting Commissioner of Internal Revenue, and the Acting Secretary of the Treasury, to the effect that the matter should be held in abeyance pending decision of the honorable the Attorney-General upon the questions raised by Collector Brady, and submitted by this Department relative to the status of deputy collectors of internal revenue.

When the question as to the rights of collectors under section 3148 shall have been determined, proper action will be taken in accordance with the decision rendered, in cases referred to by you. Pending such decision, the question of removing the collectors will not be considered by this Department.

Very respectfully, L. J. GAGE,
Secretary.

Hon. JOHN R. PROCTER,
President United States Civil Service Commission.

No. 52.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., November 10, 1897.

SIR: This Commission is in receipt of your communication of November 5, in which you state that this Commission "ought by this time to understand fully and completely the attitude" of your Department respecting the irregular appointments and removals of deputy collectors of internal revenue.

In response the Commission begs to state that it is not aware of any lack of comprehension of the points involved on its part.

The Commission, in the communications to which you refer, asked that the specific information furnished relative to the illegal appointments of deputy collectors be furnished the accounting officers of the Treasury Department, that it might be determined whether or not authorization of the pay of the deputies should be withheld.

You state that the whole matter has been referred to the Attorney-General for opinion, and that pending a decision your Department is unable to take any decisive action in the cases submitted. The fact that the question has been referred to the Attorney-General does not, until a decision by competent authority is made, suspend the operation of the law and rules.

The Commission fully recognizes the right of the Secretary of the Treasury to refer this whole question to the Attorney-General; but while it is pending, the collectors should not be permitted to make illegal appointments, or appointments which may be declared illegal. As to the appointments already made which it is claimed are illegal, the Commission believes that it is justified in asking that the question should be submitted to the accounting officers for determination.

In its communication to you of October 25, the Commission said:

> The President having interpreted the acts of Congress as authorizing him to direct the classification of deputy collectors, and having directed that they be placed in the classified nonexcepted list, and the Department having carried out this direction, the Commission respectfully submits that deputy collectors can not legally be treated otherwise than in the classified competitive list until the President's interpretation of the law be reversed by competent authority, and therefore that they are within the provisions of the amendment to Rule II, of July 27, 1897, and of Department circular No. 480, and that these provisions are instructions to every collector, and must be obeyed until withdrawn or set aside.

this mountain district, he being a resident of the blue grass portion of the State, and he very promptly, and I think very properly, said that he would not, because he was not fit for the rough and dangerous work pertaining to that office.

For these reasons, and solely to secure efficiency in the service, I most respectfully ask that an exception be made to their rules by the Civil Service Commission because of the peculiar kind of work required of this deputy, and that an examination be ordered for Mr. Helburn with a view to an issuance of a certificate for his permanent appointment, should he pass the examination.

I may add that from my acquaintance with Mr. Helburn, through the records of this office, I have no hesitancy in asking that he be given this examination.

I desire further to state that I had no personal acquaintance with Mr. Helburn, had never met or seen him prior to his appointment, which was made simply upon statements from reliable men in his county as to his qualifications, and therefore I have no personal interest in this matter, but make the request because I desire a thoroughly efficient force in the district of which I am in charge.

Very respectfully,

JOHN W. YERKES, *Collector.*

Hon. W. S. FORMAN,
Commissioner of Internal-Revenue, Washington, D. C.

(Indorsed:) Copy. Richmond, Kentucky, November 23, 1897. John W. Yerkes, collector. Relative to Deputy Collector E. S. Helburn and request for special examination for him.

No. 50.

DEPARTMENT OF JUSTICE,
Washington, D. C., November 9, 1897.

SIR: I have the honor to acknowledge receipt of yours of the 6th instant, requesting return of correspondence to the Internal Revenue Bureau submitted by you to this Department in the matter of the action of the collector of the second district of Virginia in declining to appoint the deputies of his predecessor. In obedience to your request the correspondence referred to is herewith returned.

Respectfully,

JOSEPH MCKENNA,
Attorney-General.

The SECRETARY OF THE TREASURY.

(Indorsed:) Mail division, Treasury Department, Nov. 11, 1897. 1323 B-80. Washington, D. C., Nov. 9th, 1897. Attorney-General. Returns correspondence rel. action collector internal revenue, 2" Va., declining to appoint deputies of predecessor. Enc. 7.

No. 51.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., November 10, 1897.

SIR: In reply to your letters of the 3d and 6th instant, in regard to appointments of deputy collectors of internal revenue for the fifth district of Tennessee and the fourth district of Texas, your attention is

invited to the fact that these cases are analogous to that of Collector Brady, of the second district of Virginia, in which an agreement was had by the acting president of the Civil Service Commission, the Acting Commissioner of Internal Revenue, and the Acting Secretary of the Treasury, to the effect that the matter should be held in abeyance pending decision of the honorable the Attorney-General upon the questions raised by Collector Brady, and submitted by this Department relative to the status of deputy collectors of internal revenue.

When the question as to the rights of collectors under section 3148 shall have been determined, proper action will be taken in accordance with the decision rendered, in cases referred to by you. Pending such decision, the question of removing the collectors will not be considered by this Department.

Very respectfully, L. J. GAGE,
Secretary.

Hon. JOHN R. PROCTER,
President United States Civil Service Commission.

No. 52.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., November 10, 1897.

SIR: This Commission is in receipt of your communication of November 5, in which you state that this Commission "ought by this time to understand fully and completely the attitude" of your Department respecting the irregular appointments and removals of deputy collectors of internal revenue.

In response the Commission begs to state that it is not aware of any lack of comprehension of the points involved on its part.

The Commission, in the communications to which you refer, asked that the specific information furnished relative to the illegal appointments of deputy collectors be furnished the accounting officers of the Treasury Department, that it might be determined whether or not authorization of the pay of the deputies should be withheld.

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The President having interpreted the acts of Congress as authorizing him to direct the classification of deputy collectors, and having directed that they be placed in the classified nonexcepted list, and the Department having carried out this direction, the Commission respectfully submits that deputy collectors can not legally be treated otherwise than in the classified competitive list until the President's interpretation of the law be reversed by competent authority, and therefore that they are within the provisions of the amendment to Rule II, of July 27, 1897, and of Department circular No. 480, and that these provisions are instructions to every collector, and must be obeyed until withdrawn or set aside.

In a brief respecting the status of deputy collectors, transmitted to you on October 21, 1897, Acting Commissioner of Internal Revenue Wilson says:

An officer in the executive branch of the Government conforms to the rules of the President so long as their legality has not been formally tested. * * * The Internal-Revenue Bureau, for instance, administered the income-tax law up to the day it was declared unconstitutional.

Very respectfully, JOHN R. PROCTER,
President.

The honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Washington, D. C., Nov. 10, 1897. U. S. Civil Service Com. Rel. irregular app'm'ts and removals of deputy collectors of internal revenue.

No. 53.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., November 10, 1897.

SIR: In reply to your reference of the 6th instant, covering letter of Paul Marrin, ex-deputy collector of internal revenue for the fourth district of Michigan, in regard to his separation from the internal-revenue service, you are advised that the records of this Department show that Mr. Marrin was not recommissioned by the present collector when the latter assumed charge of the office, and that his commission therefore expired on the 31st ultimo. The vacancy thus created was filled by the transfer of James B. Smith, who was in the classified service as chief deputy under the late collector.

The vacancy created by Mr. Smith's transfer was then selected as an excepted place under Civil Service Rule VI, and filled by the present collector under the authority conferred upon him by said rule.

Very respectfully,
L. J. GAGE, *Secretary.*

Hon. JOHN R. PROCTER,
President United States Civil Service Commission.

No. 54.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., November 22, 1897.

SIR: The Commission has the honor to invite the Department's attention to a complaint filed by John McKee, of Chicago, Ill., to the effect that he was removed from a classified position in the internal-revenue service at Chicago during the month of September, 1897, in violation of the civil-service rules. In this complaint Mr. McKee alleges that on September 13, 1897, the collector of internal revenue notified him that he deemed it advisable that his connection with the service should terminate at the end of the month, and that he had preferred charges against him (McKee), as provided for in Internal Revenue Circular 480; that within the ten days provided for in said circular the said McKee sent to Mr. Coyne, the collector, by registered mail, his answer to the charges that had been filed, in which all of the same were denied; that before any action was taken by the Commissioner of Internal Revenue he (McKee) was advised by a gentleman coming from Mr. Coyne, Mr.

C. S. Seawell, one of the Department's revenue agents, that the proper step for him (McKee) to take would be to resign, as in that event the charges would be withdrawn, and that the said Seawell took occasion twice during the time he was in Chicago to impress that course upon him (McKee), at the same time saying that he would be dismissed from the service anyway, without the charges, as the collector had shown him a ruling of the Department which allowed the collector to make McKee's position one of the two excepted places he was allowed to fill outside of competitive examination; that on September 28, 1897, Mr. Coyne called McKee into his office and said that he understood from Mr. Seawell, the revenue agent, that he (McKee) had favorably considered a proposition looking toward his resignation from the service, but as he had not received McKee's resignation he wanted to know if Mr. McKee still favored such a course, to which McKee replied that he had no intention of taking such action; that he was then informed that his services would terminate on the 30th of September, without action on the charges preferred, of which he was also advised by letter from the collector, which read as follows:

Your commission as deputy collector in the first district of Illinois is hereby revoked, to take effect on and after the 1st proximo. You are also notified that you connection with the internal-revenue service in the capacity of employee will ter minate at the close of this day.

Mr. McKee claims—

(1) That he was removed for political reasons, to make room for a member of the collector's "political household," as the collector termed it on two different occasions, when he stated to him (McKee) that he thought he should have a right to fill all the positions in his office with such.

(2) That the duties which he performed as an office deputy were purely clerical, and in no way classed as confidential, and that his position could not therefore lawfully come under the head of an excepted place, and that his removal was not therefore made in accordance with the spirit of the law or the Executive order creating excepted places.

(3) That Mr. Coyne, having made vacant the position of one deputy collector heretofore, and having filled the same under his privileges granted by the Executive order, in the case of M. B. Hays, division deputy, and having waived the order of the appointment of cashier or chief deputy as a confidential man, he had no right, under the law or under the Executive order aforesaid, to make an excepted place of another position.

(4) That the position made vacant by his dismissal from the service was not filled from the eligible list, as provided for by the civil-service rules, and that his successor is therefore performing the duties of such position unlawfully.

The Commission will be pleased to receive the Department's statement upon the allegations set forth by Mr. McKee in his letter of complaint, which is now on file in this office, but the substance of which is communicated above.

These papers were handed to Mr. Theodore L. De Land on October 13, 1897, and were taken by him to the Treasury Department. It is believed that some investigation of the case was made there, but no conclusion has been communicated to the Commission.

Very respectfully,

JOHN R. PROCTER,
President.

The honorable the SECRETARY OF THE TREASURY.

No. 55.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., November 27, 1897.

SIR: The Commission refers herewith for remark copies of letters received from H. W. Richardson and J. A. Holland, alleging recent separations from classified positions in the South Carolina internal-revenue district.

Very respectfully, JOHN R. PROCTER,
President.

The honorable the SECRETARY OF THE TREASURY.

No. 55A.

STATEMENT OF H. W. RICHARDSON, DEPUTY COLLECTOR, FIRST DIVISION.

On November 22, 1897, E. A. Webster assumed charge of the office of collector of internal revenue for the district of South Carolina, and on the following day came into the office occupied by me as deputy collector of the first division, accompanied by J. H. Fordahm. J. A. Holland, deputy collector of the second division, was also present. Mr. Webster told Fordham to read his commission as deputy collector of the first division to me. I then stated to Webster, "That means you have removed me." To which he replied, "No, your commission has expired and I have appointed Mr. Fordahm." In reply to this I stated to Webster that my position came within the civil-service rules and I would not surrender the office, no charges having been preferred against me. To this he (Mr. Webster) replied that if the authorities sustained the position assumed by me it would be perfectly agreeable to him (Webster) to have me continue in the service. I further stated to Mr. Webster that I would report daily for duty and would hold myself subject to his orders. To-day I reported at the office and was informed that my services were not needed.

H. W. RICHARDSON,
Deputy Collector, First Division.

No. 55B.

STATEMENT OF J. A. HOLLAND, DEPUTY COLLECTOR OF THE SECOND DIVISION.

I have read the statements made by H. W. Richardson, deputy collector of the first division, and was present when the conversation occurred, and at the same time I was informed by Mr. Webster that he had appointed E. H. Deas as deputy collector of the second division—the position occupied by me. The same statements were made by me as were made to him by Major Richardson, to wit, that I was still deputy collector and would not surrender the office, but would report for duty to him.

J. A. HOLLAND,
Deputy Collector, Second Division.

NOVEMBER 24, 1897.

No. 56.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., November 29, 1897.

SIR: Referring to letter from the Civil Service Commission, addressed to you on the 1st instant, in regard to emergency appointments of deputy collectors of internal revenue in the sixth district of Virginia, I have the honor to state that, in accordance with instructions contained in your reference of the 22d instant, a circular letter was addressed to collectors on November 23, 1897, notifying them that until otherwise ordered existing rules relative to appointments of deputies must be complied with.

It is believed that prompt compliance therewith will be rendered by collectors wherever eligible lists have been furnished from which to make selections for appointment.

Very respectfully, G. W. WILSON,
Acting Commissioner.

To the honorable the SECRETARY OF THE TREASURY.

No. 57.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., December 2, 1897.

GENTLEMEN: Referring to your communication of the 6th ultimo in reference to the unsatisfactory condition of the register of eligibles for the fourth internal-revenue district of Texas, in which you reply to the suggestion of the Commissioner of Internal Revenue that "more care should be taken as to the moral and physical qualifications of persons permitted to enter the examinations" that the eligibles do not appear to be objectionable on account of any moral or physical disqualification, and that your Commission has ample authority to purge a register of unworthy eligibles upon satisfactory proof, you are informed that the collector of that district, under date of August 19, 1897, said:

> In selecting my subordinates I referred to the eligible list on file in the office and found four names thereon for the position of deputy collector. One of the parties now holds a position which he is unwilling to abandon for the deputy collectorship. The dissipated habits of another are such that he can not be intrusted with the duties of deputy collector. Another has left this community under a cloud, about some business transaction, and the fourth seems to be a stranger here, and for want of time and opportunity I have not been able to investigate as to his fitness, and consequently have not felt willing to become responsible for his acts in the capacity of deputy collector.

In view of the above statement of the collector of the fourth collection district of Texas, I have to request that your Commission hold an examination at the earliest practicable moment, in order to secure a further number of eligibles for appointment as deputy collectors in that district, so that the collector may not be restricted in his choice to a single eligible, as indicated in his letter.

It is the desire of the Department to have eligibles certified against whom no objection can be reasonably made, based on the requirements and needs of the service; and in case no such eligible is available, the

right to make temporary appointments until eligibles with qualifications deemed necessary by the Department are available.

Respectfully, yours,

L. J. GAGE, *Secretary.*

The UNITED STATES CIVIL SERVICE COMMISSION.

No. 58.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., December 6, 1897.

GENTLEMEN: I have the honor to submit herewith a copy of letter dated December 1, 1897, addressed to this office by the Commissioner of Internal Revenue, making report in the case of removals of Deputy Collectors Borchert and Howley, of the twenty-third district of Pennsylvania. I agree with the views expressed by the Commissioner, that it is neither practicable nor consistent with the rules governing departmental work to report to your Commission day after day as to the manner in which the law and rules made thereunder are administered by subordinate officials of this Department.

Section 2 of the act of January 16, 1883, provides that your Commission "may make investigations concerning the facts, and may report upon all matters touching the enforcement of said rules and regulations, and concerning the action of * * * those in the public service in respect to the execution of this act."

It will not be contended, I presume, that said provision of law authorizes the Commission to institute a semijudicial investigation into every complaint that may be made by officials who have been removed from office.

This Department can, I believe, be safely trusted to enforce all laws and rules relating thereto covering appointments and removals under its jurisdiction. Whenever it shall appear that improper or illegal action has been taken in connection with appointments or discharges this office will take proper measures to correct the error so made, but it will be impossible to continue the practice of making detailed reports to such cases.

Respectfully, yours,

L. J. GAGE,
Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C.

No. 58A.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., December 1, 1897.

SIR: Referring to letter of the Civil Service Commission dated the 4th of November, 1897, and referred to this office on the 22d ultimo, in regard to the removal of Deputy Collectors George K. Bochert and Martin F. Howley, of the twenty third district of Pennsylvania, I have the honor to state that the action of Collector Fruit in these cases

was in strict accordance with the terms of Department Circular No. 119, and is believed by this office to have been based on good and sufficient grounds, and to have been absolutely necessary for the maintenance of discipline by the collector to enable him to sustain himself in his proper efforts to administer the affairs of his district in the interest of good service.

It is respectfully suggested that it is hardly the prerogative of the Civil Service Commission to call in question the acts of appointing officers in the removal of their subordinates under authority of law and in accordance with the rules of the President. In August last this office embodied in a circular to collectors the restrictions imposed by the President in Executive order of July 27, 1897, upon the power of removal conferred upon them by section 3148 of the Revised Statutes, and in all cases it requires evidence that the conditions of that order have been complied with before it approves the dismissal of deputy collectors. Having taken action, this office does not recognize the right of the Civil Service Commission to call for explanations or further action in cases which have been finally settled in accordance with the President's order and the circular referred to.

I submit that when a collector of internal revenue, with the approval of this office, dismisses a deputy on charges which he has had full opportunity to meet, as directed by the President, and has not met satisfactorily, the action taken is not a proper subject of review by the Civil Service Commission. I am also of the opinion that the dismissal of a gauger or storekeeper, on charges, investigated by the collector in accordance with said circular, examined by this office, and made the ground of a recommendation for such dismissal is not properly before the Commission for criticism or comment.

I venture to submit this opinion in the interest of the service, which can hardly be advanced by the present practice of the Commission of granting a hearing to any subordinate dismissed on charges, referring complaints to the Secretary, by whom they are in turn referred to this office for remark, involving a reiteration of the facts in the case, making endless and apparently useless clerical work, and at the same time impairing discipline in the force. The attempt of the Commission to review and supervise the administration and discipline of the internal-revenue service entails on this office, as above stated, a burden of unnecessary correspondence, which has become a serious obstruction to important routine work; it impairs the efficiency of the force in the field and endangers the collection of the revenues, and is not only a violation of official ethics, but an invasion of the domain of responsibility under the internal-revenue laws—a responsibility imposed upon the Commissioner of Internal Revenue, not upon the Civil Service Commission. An earnest protest is entered against any further encroachment upon the prerogatives of this office in this regard.

Very respectfully,

G. W. WILSON,
Acting Commissioner.

The honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Copy. Treasury Department, Office Internal Revenue, December 1, 1897. G. W. Wilson, Acting Commissioner. In regard to removal of Deputy Collectors G. K. Bochert and M. F. Howley, 23d dist. Pa.

No. 59.

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., December 7, 1897.

SIR: Referring to letter from the United States Civil Service Commission of the 27th ultimo, referred to this office on the 2d instant, inclosing copies of letters from Ex-Deputy Collectors H. W. Richardson and J. A. Holland, of South Carolina, in regard to their separation from the service by reason of the refusal of Collector Webster to recommission them on the expiration of the commissions held by them from his predecessor, I have the honor to state that the course of the collector in the matter was similar to that of other collectors with reference to this subject. Messrs. Richardson and Holland were advised by this office of the status of the case some days since. The letter of the Commission, with inclosures, is herewith returned.

Very respectfully,

G. W. WILSON,
Acting Commissioner.

To the honorable the SECRETARY OF THE TREASURY.

No. 60.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., December 7, 1897.

GENTLEMEN: I have to acknowledge receipt of copy of letter by your Commission from Mr. James M. Hoskins, jr., formerly deputy collector, seventh internal-revenue district of Indiana, and forwarded, under date of the 15th ultimo, to this office for remark, in which he states that on the 8th ultimo he was discharged from his position by the collector of that district, who informed him that his services were no longer needed, but that no charges of any kind or nature have been filed against him.

This communication was referred, on the 17th ultimo, to the Commissioner of Internal Revenue for remark, who replied under date of the 1st instant that—

The records of this office show that the commission of Jesse B. Hoskins, jr., as deputy collector, seventh district of Indiana, expired November 7, 1897, and that he was not reappointed by the present collector.

Respectfully, yours,

L. J. GAGE,
Secretary.

To the UNITED STATES CIVIL SERVICE COMMISSION.

No. 61.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., December 8, 1897.

SIR: I return herewith letter of the Civil Service Commission dated November 22, 1897, in regard to complaint of ex-Deputy Collector John

McKee, of the first district of Illinois, as to his removal from that position.

The answer of Mr. McKee to the charge preferred against him by Collector Coyne, of breach of discipline in disregarding the office rules, was examined by this office and the collector advised to proceed to dispense with his services as deputy collector on the 28th of September last.

Since that date this office has approved the collector's request to make the place formerly held by Mr. McKee an excepted place under Civil-Service Rule VI, and has suggested in letter addressed to you on the 6th ultimo that the Department exercise its authority under the clause of said rule, which provides for the designation of an employee acting as assistant collector as excepted from the requirements of examination or registration.

Very respectfully, G. W. WILSON,
Acting Commissioner.

To the honorable the SECRETARY OF THE TREASURY.

No. 62.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., December 9, 1897.

SIR: Referring to your letter of the 4th ultimo, in which you state that on the 1st ultimo you were removed from the position of deputy collector, internal-revenue district of Michigan, by the collector of that district, acting under authority of the Commissioner of Internal Revenue, in letter dated about October 25, 1897, and requesting that the Department investigate the Commissioner's action, I have to inform you that your letter was referred to the Commissioner of Internal Revenue for report.

Under date of the 3d instant the Commissioner reports that your commission as deputy collector expired on October 31, 1897, and you were not recommissioned by the present collector.

In view of the facts stated, this office can not take any action looking to your reappointment, the privilege of making appointments of deputies being vested by law (secs. 3148, 3149, Rev. Stat.) in the collector.

Respectfully, yours,

L. J. GAGE, *Secretary.*

Mr. PAUL MARRIN,
Grand Rapids, Mich.

No. 63.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., December 11, 1896.

SIR: The collector of internal revenue for the twenty-third district of Pennsylvania writes this office, under date of the 8th instant, that he has received a circular from the Civil Service Commission which indicates that the Secretary of the Treasury will make all appointments in the internal-revenue service, including deputy collectors of internal revenue.

It is presumed that Collector Bigler is mistaken in his understanding

of the circular referred to, as section 3148, Revised Statutes, creating the position of deputy collector, clearly gives authority to the collector of each district to appoint his deputies "by an instrument in writing under his hand." (See page 40, Compilation of Internal Revenue Laws, 1894.) This section of the law has not been repealed, and while the civil-service law now restricts collectors of internal revenue, as well as many other appointing officers, in the selection of their appointees to persons certified as eligible by the Civil Service Commission, that law does not in itself transfer powers of appointment vested by the Congress in a designated officer, or class of officers, to another officer of the Government not so designated, nor is it apparent that the civil-service law can effect such a transfer by regulation.

Collector Bigler will of course be advised that the law has not been changed in this regard.

This office will be glad to receive from the Civil Service Commission a copy of the circular mentioned by the collector—No. 186—for examination. In view of the fact that deputy collectors derive all their authority to collect taxes, make seizures, and perform other duties pertaining to the office of deputy from commissions issued by the collector, any general misunderstanding on the part of collectors as to their powers in the matter might cause serious embarrassments in the administration of the internal-revenue laws.

Very respectfully,

W. S. FORMAN,
Commissioner.

Hon. JOHN R. PROCTER,
President United States Civil Service Commission.

(Indorsed:) Copy. Treasury Department, Office of Internal Revenue, Washington, D. C., Dec. 11, 1896. W. S. Forman, Commissioner. Relative to Circular No. 186 issued by the Civil Service Commission. 1323 B 80.

No. 64.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., December 14, 1897.

SIR: Referring to the Commission's letter of November 17, renewing its request for the removal of one E. S. Helburn, who was appointed to a position in the Richmond, Ky., internal-revenue office without examination and certification, but during the existence of an eligible register, the Commission will be pleased to receive the Department's statement showing whether Mr. Helburn is still in the service. If he has been separated therefrom, kindly inform the Commission of the date thereof.

Very respectfully,

JOHN R. PROCTER, *President.*

The honorable the SECRETARY OF THE TREASURY.

No. 65.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., December 15, 1897.

GENTLEMEN: Referring to your letter of the 1st instant, relative to the temporary appointment of John McNamara, Jacob S. Gold, and Charles H. Lamberson as deputy collectors of internal revenue, as shown

in the report of the collector at Springfield, Ohio, for the month of September, and in which you request the Department's statement as to the exact status of these persons, I have to inform you that your letter was referred to the Commissioner of Internal Revenue for report.

Under date of the 1st instant, he reports as follows:

These men were the appointees of the predecessor of the present incumbent of the collector's office in that district, and their commissions expired with his retirement from the service. The present collector, however, gave them emergency appointments for limited periods, pending selections of eligibles from the register of eligibles for reinstatement under Civil Service Rule IX. The places held by Messrs. Gold and Lamberson under emergency appointments have now been filled by the absolute appointment of persons certified by the Civil Service Commission as eligible for reinstatement under Rule IX.

A regular appointment under civil-service rules has not yet been substituted for the emergency appointment of Mr. McNamara. This is due to the fact that there has been some difficulty in securing the certification of eligibles who are residents of the district. The matter will be taken up again and disposed of at an early date.

Respectfully, yours,

L. J. GAGE, *Secretary.*

The UNITED STATES CIVIL SERVICE COMMISSION.

No. 66.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., December 23, 1897.

SIR: I return herewith letter from the United States Civil Service Commission, dated the 14th instant, referred to this office on the 20th instant, in regard to request for removal of E. S. Helburn from the position of deputy collector in the eighth district of Kentucky, with the advice that a request is pending before the Commission for a special examination for Mr. Helburn as an expert raiding deputy. Mr. Helburn is performing very valuable service in that district, and it would be a disadvantage to the Government to lose him at this time. In view of the fact that the special examination has been asked for, I earnestly recommend that Mr. Helburn be permitted to remain on the force until action is had on that request.

Very respectfully,

W. S. FORMAN,
Commissioner.

To the honorable the SECRETARY OF THE TREASURY.

O

TREASURY DEPARTMENT.
Document No. 2005, Part 2.
Office of Secretary.

ADDITIONAL CORRESPONDENCE RELATIVE TO THE INTERNAL-REVENUE SERVICE.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING,

IN COMPLIANCE WITH RESOLUTION OF THE SENATE OF DECEMBER 15, 1897, ADDITIONAL CORRESPONDENCE RELATIVE TO THE INTERNAL-REVENUE SERVICE.

JANUARY 13, 1898.—Referred to the Committee on Civil Service and Retrenchment and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., January 12, 1898.

SIR: In further compliance with the Senate resolution of December 15, 1897, calling for correspondence relative to the internal-revenue service, I have the honor to submit herewith additional correspondence, arranged according to the several districts, forwarded by the Commissioner of Internal Revenue, relative thereto.

DISTRICT OF ARKANSAS.

Acting Commissioner of Internal Revenue, September 11, to H. L. Remmel, collector, Little Rock, Ark., relative to the employment of a raiding deputy.

H. L. Remmel, collector, October 22, to Commissioner of Internal Revenue, in regard to the appointment of John T. Burris, special raiding deputy.

R. T. Cook, collector, October 30, to Wayne Ferguson, revenue agent, Nashville, Tenn., in regard to appointment of raiding deputy for the district of Arkansas.

H. L. Remmel, collector, September 2, to Acting Commissioner of Internal Revenue, asking authority to appoint a raiding deputy collector for the district of Arkansas.

H. L. Remmel, collector, December 4, to Commissioner of Internal Revenue, in reference to the character of examination a raiding deputy should be required to pass.

Acting Commissioner of Internal Revenue, December 9, to Secretary of the Treasury, requesting special examination for J. T. Burris and J. B. Alton for appointment for raiding duty.

SECOND DISTRICT OF KENTUCKY.

John R. Procter, president Civil Service Commission, November 2, to Secretary of the Treasury, relative to the complaint of W. M. Hesselton, late storekeeper, internal revenue service, Owensboro, Ky.

Acting Commissioner of Internal Revenue, December 3, to the Secretary of the Treasury, in regard to the complaint of Ex-storekeeper W. M. Hesselton.

EIGHTH DISTRICT OF KENTUCKY.

John W. Yerkes, collector, July 31, to Commissioner of Internal Revenue, requesting appointment of temporary deputy collector.

Acting Commissioner of Internal Revenue (telegram), August 2, to John W. Yerkes, collector, Richmond, Ky., relative to temporary appointments under section 12, civil-service rule 8.

John W. Yerkes, collector, August 5, to Commissioner of Internal Revenue, relative to appointment of additional deputy collectors for brandy work.

John W. Yerkes, collector, August 11, to Commissioner of Internal Revenue, relative to temporary appointment of deputy collector E. S. Helburn.

Acting Commissioner of Internal Revenue, October 11, to John W. Yerkes, collector, relative to eligibles for appointment as deputy collector, Richmond, Ky.

John W. Yerkes, October 15, to Acting Commissioner of Internal Revenue, relative to the appointment of deputy collectors in the Eighth district of Kentucky.

Acting Commissioner of Internal Revenue, October 21, to Secretary of the Treasury, asking that arrangement may be made whereby the collector may retain the services of Mr. Helburn.

Acting Commissioner of Internal Revenue, November 9, to John W. Yerkes, collector, relative to the case of E. S. Helburn.

John W. Yerkes, collector, November 11, to Acting Commissioner of Internal Revenue, in reference to the appointment of E. S. Helburn and F. V. Logan as temporary deputy collectors.

Commissioner of Internal Revenue, November 20, to John W. Yerkes, collector, in regard to special examination for E. S. Helburn.

John W. Yerkes, collector, November 30, to Acting Commissioner of Internal Revenue, relative to circular letter of November 23 relative to the appointment of deputy collectors.

John R. Procter, president Civil Service Commission, December 1, to the Secretary of the Treasury, relative to the removal of 91 storekeepers and gaugers in the district of Richmond, Ky.

Commissioner of Internal Revenue, December 22, to Secretary of the Treasury, relative to the dismissal of 91 distillery officers in the eighth district of Kentucky.

Commissioner of Internal Revenue, December 23, to Secretary of the Treasury, in regard to request for removal of E. S. Helburn from position of deputy collector, eighth district of Kentucky.

DISTRICT OF WEST VIRGINIA.

G. W. Summers, ex-deputy collector, internal-revenue service, district of West Virginia, August 16, to United States Civil Service Commission, submitting affidavit.

Affidavit of G. W. Summers, ex-deputy collector, internal-revenue service, district of West Virginia, complaining that he has been removed for political reasons from classified position in the internal-revenue service.

John B. Harlow, acting president United States Civil Service Commission, August 18, to the Secretary of the Treasury, inviting attention to the inclosed copy of complaint made by G. W. Summers, late deputy collector, internal-revenue service.

G. W. Wilson, Acting Commissioner of Internal Revenue, August 23, to G. W. Summers, replying to his letter of the 16th instant to the United States Civil Service Commission, relative to his removal from the Internal-Revenue Service.

G. W. Wilson, Acting Commissioner of Internal Revenue, August 23, to Civil Service Commission, replying to letter of the 18th instant addressed to the Secretary of the Treasury, relative to the removal of G. W. Summers from the Internal-Revenue Service.

FIRST DISTRICT OF MISSOURI.

William G. Rice, acting president Civil Service Commission, November 12, to Secretary of the Treasury, asking by what authority Frank Pomeroy Day was appointed deputy collector, St. Louis, Mo.

Acting Commissioner of Internal Revenue, December 3, to Secretary of the Treasury, relative to the appointment of Frank Pomeroy Day as deputy collector in the First district of Missouri.

FIRST DISTRICT OF NEW JERSEY.

I. Moffett, collector, December 13, to Acting Commissioner of Internal Revenue, relative to the condition of the internal revenue office at Camden, N. J.

Acting Commissioner of Internal Revenue, December 15, to I. Moffett, collector, in relation to ex-deputies.

ELEVENTH DISTRICT OF OHIO.

John E. Entrekin, August 6, to the Secretary of the Treasury, as to the law regarding the tenure of office of deputies.

Acting Commissioner of Internal Revenue, August 12, to John C. Entrekin, relative to appointment of deputy collectors.

John C. Entrekin, collector, August 21, to Civil Service Commission, relative to two vacancies as traveling deputy in his district.

Acting Commissioner of Internal Revenue, September 18, to John C. Entrekin, collector, relative to the report of names of deputies the collector declined or failed to reappoint.

John C. Entrekin, collector, September 23, to the Commissioner of Internal Revenue, as to the appointment of deputy collectors.

John R. Procter, president Civil Service Commission, November 1, to Secretary of the Treasury, relative to report of changes received from collector, Springfield, Ohio.

John C. Entrekin, collector, November 18, to the Commissioner of Internal Revenue, as to the appointment of deputy collectors.

Acting Commissioner of Internal Revenue, November 23, to John C. Entrekin, collector, relative to vacancies in the Eleventh district of Ohio.

John C. Entrekin, collector, December 28, to Civil Service Commission, as to the board of examiners.

TWENTY-THIRD DISTRICT OF PENNSYLVANIA.

John R. Procter, president Civil Service Commission, November 4, to Secretary of the Treasury, relative to report of alleged violations of civil-service rules in Pittsburg, Pa.

Acting Commissioner of Internal Revenue, December 1, to the Secretary of the Treasury, relative to the removal of Deputy Collectors Bochert and Howley.

FOURTH DISTRICT OF TEXAS.

Acting Commissioner of Internal Revenue, August 26, to the Secretary of the Treasury, calling attention to unsatisfactory character of eligibles furnished by Civil Service Commission.

Commissioner of Internal Revenue, September 28, to Civil Service Commission, in regard to changes in the force of the collector of internal revenue, fourth district of Texas.

John R. Procter, president Civil Service Commission, November 6, to the Secretary of the Treasury, relative to the register of eligibles, fourth district of Texas.

SECOND DISTRICT OF TENNESSEE.

A. J. Tyler, December 4, to Commissioner of Internal Revenue, in regard to filling the vacancy of raiding or general deputy collector.

NOTE.—See copy of letter to Secretary of the Treasury from Acting Commissioner of Internal Revenue, dated December 9, 1897, relative to the character of examination required for raiding deputies.

FIFTH DISTRICT OF TENNESSEE.

Frank P. Bond, collector, July 31, to Daniel Bond, Nashville, Tenn., transferring him to the position of division deputy collector.

Acting Commissioner of Internal Revenue, August 3, to D. A. Nunn, collector, relative to appointment of Hiram C. Bradford as fruit-brandy deputy, fifth district of Tennessee.

Acting Commissioner of Internal Revenue, August 3, to D. A. Nunn, collector, fifth district, Tennessee, relative to the appointment of Mr. Goodson as fruit deputy in place of Hiram C. Bradford.

D. A. Nunn, collector, August 3, to Commissioner of Internal Revenue, relative to the appointment of division deputies.

Acting Commissioner of Internal Revenue, August 5 (telegram), to D. A. Nunn, relative to the appointment of deputy collectors.

D. A. Nunn, collector, August 5, to deputy collector of internal revenue, in regard to the appointment of deputy collectors.

D. A. Nunn, collector, August 16, to Commissioner of Internal Revenue, relative to the conduct of the employees of his office, also newspaper clipping.

Acting Commissioner of Internal Revenue, August 20, to D. A. Nunn, collector, in regard to the case of Collector Bond and Revenue Agent Wayne Ferguson.

SECOND DISTRICT OF VIRGINIA.

James D. Brady, collector, September 29, to Commissioner of Internal Revenue, in reference to the visit of Mr. Doyle, secretary of the Civil Service Commission, to his office.

Commissioner of Internal Revenue, October 1, to Secretary of the Treasury, in regard to the complaint of the collector of the Second district of Virginia as to the statements made by the secretary of the Civil Service Commission.

Acting Commissioner of Internal Revenue, September 20, to the Secretary of the Treasury, inclosing letter from Collector Brady of the Second district of Virginia, protesting against any modification or limitation of the power vested in him by section 3148, Revised Statutes.

James D. Brady, collector, September 13, to Commmissioner of Internal Revenue, requesting requisition from Civil Service Commission for eligibles, and asking for construction of the law bearing upon the subject.

Acting Commissioner of Internal Revenue, September 4, to Secretary of the Treasury, inclosing letter of James D. Brady, collector, in respect to appointment of subordinates.

Acting Commissioner of Internal Revenue, September 4, to James D. Brady, collector, in regard to organization of force of deputy collectors.

James D. Brady, collector, September 3, to Commissioner of Internal Revenue, in regard to appointments under civil-service regulations.

Memorandum giving reasons for modifying civil-service rules as to the appointment of deputy collectors of internal revenue; filed in Attorney-General's Office in the Brady Case.

Memorandum as to argument of Civil Service Commission in regard to classification of deputy collectors, and the protest of the collector of the second district of Virginia against restrictions in their selections; filed in Attorney-General's Office in the Brady Case.

Respectfully, yours,

L. J. GAGE, *Secretary.*

The VICE-PRESIDENT, *United States Senate.*

DISTRICT OF ARKANSAS.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., September 11, 1897.

SIR: In reply to your letter of the 2d instant, in regard to employment of a raiding deputy for service in your district, you are advised that the honorable Secretary of the Treasury has been asked to make a modified and increased allowance for your district for a period of ninety days for the purpose of enabling you to employ a deputy for the duty named at a salary at the rate of $1,000 per annum, with traveling allowance at the rate of $900 per annum.

This action is taken with the understanding that you will employ for this work Mr. W. P. Hodges, and that you will furnish him such assistance in connection with Revenue Agent Ingram's force as may be necessary to accomplish the work required in the section where the trouble recently occurred resulting in the killing of several persons.

Very respectfully,

G. W. WILSON,
Acting Commissioner.

H. L. REMMEL, Esq.,
Collector of Internal Revenue, Little Rock, Ark.

(Indorsed:) Copy. Treasury Department, Office Internal Revenue, September 11, 1897. G. W. Wilson, acting commissioner. In regard to employment of a raiding deputy.

INTERNAL-REVENUE SERVICE,
DISTRICT OF ARKANSAS, COLLECTOR'S OFFICE,
Little Rock, Ark., October 22, 1897.

DEAR SIR: As your office is informed that I recommended the appointment of Mr. W. P. Hodges to the position of raiding deputy and immediately advised him of this fact; but at the time he was out in search of Harve Bruce, the "moonshiner" who murdered Captain Taylor and Deputy Marshal Dodson and only recently returned from this raid, and on his return he found one of the members of his family seriously ill and was detained at his home until his arrival here day before yesterday. When I informed him of the fact that I would require his services at once in another part of the State, he reluctantly decided that he could not accept, for the reason that he was determined to search down Bruce, the murderer of Captain Taylor; besides, he thought he was now on a hot trail, besides having private matters which would require his attention and prevent him from accepting the place.

I have therefore decided to appoint to this place Mr. John T. Burris, of Russellville, a most excellent man, brave and prudent, as the following showing indicates: He first took part in a raid with Revenue Agent Wayne Ferguson, capturing two stills. At another time he located a still, run by a man by the name of Byers, and took part in the raid on this still with Revenue Agent Wayne Ferguson, capturing a man and one still. He has since assisted Deputy Collector King in three raids; in the first case he located the still, which resulted in the capture of one man and the destruction of 2,000 gallons of beer. Later he located other stills, and assisted in a raid which resulted in the capture of five men and five stills, and has since then located another still, which resulted in the capture of a still and the arrest of one man.

I really believe Mr. Burris will prove more efficient in this special work than Mr. Hodges. He this day qualified by taking the oath of office, and I trust this explanation will be entirely satisfactory to you.

Very truly, yours,

H. L. REMMEL, *Collector.*

Hon. W. S. FORMAN,
Commissioner of Internal Revenue, Washington, D. C.

(Indorsed:) Copy. Little Rock, Arkansas, October 22, 1897. H. L. Remmel, collector. Regarding appointment of John T. Burris, special raiding deputy for the district of Arkansas, and reasons for W. P. Hodges' refusal to accept position.

INTERNAL-REVENUE SERVICE,
DISTRICT OF ARKANSAS, COLLECTOR'S OFFICE,
Little Rock, Ark., October 30, 1895.

DEAR SIR: Reverting to the matter of which we talked on the occasion of your recent visit to this office, I would respectfully but earnestly ask that you take up with the honorable Commissioner, without unnecessary delay, the question of allowing this district a general or raiding deputy.

The urgent necessity for the increase of force asked for is beyond question, and must be clearly apparent to anyone who is acquainted with the situation here. I submit for your consideration the following

sufficient reasons, as I believe, for the employment of such raiding deputy:

The extent of territory is such that the district can not be canvassed by five traveling deputies sufficiently close for reasonable protection of the Government's interests. There are 75 large counties in this district. In one division there are 9 counties only, but owing to the fact that about one-half of the registered distilleries of the district are located in that division and that it must be canvassed by overland travel for lack of railroad facilities, it is impossible to make it large. This number (9) deducted from the total number (75) leaves 66 counties to be canvassed by only four deputies.

It is impossible to so apportion those 66 counties to four deputies as to avoid allotting a very large majority of the special-tax payers to the deputy having charge or supervision of the principal "moonshine" counties of the district. Under this unavoidable arrangement such deputy must necessarily neglect one of the two important interests—the canvassing of special-tax payers or the suppression of illicit distilling. To neglect either the Government must lose money. A great many of those liable to pay special tax will not voluntarily do so (especially in the many "prohibition" counties in the district), but will and do evade it where evasion is safe.

Illicit distilling stifles and discourages the business of the legitimate distiller, and it is on the increase in this district.

This is evidenced by the records in this office, which show that 101 illicit distilleries have been destroyed in this district since July 1, 1893, against 29 during the four years prior to that date, and if this unlawful traffic is not suppressed or kept in check, it is easy to foresee the result.

As I have said above, nearly all the illicit distilling in this district is carried on in the counties adjacent to the Indian Territory. Most of them are allotted to one deputy, and it is my intention, if I am allowed sufficient force, to wipe out the traffic if it can possibly be done. But in order to properly and successfully handle this evil it is absolutely necessary that I be allowed the raiding deputy referred to.

I have endeavored to thoroughly inform myself as to the intentions of the registered distillers of this district for this season's work, and the result is that some of them have notified me that they do not propose resuming, while many others express grave doubts as to whether they will or will not. Now, the question would naturally suggest itself, Why do these men discontinue a business in which they have money invested and in which they have heretofore been engaged? It is for the reason that the registered distilleries in this district are small and crude affairs, and the bitter experience of the past season in the way of assessments for deficiencies which they have incurred, with but few exceptions, has proven that they can not, with the grain grown in this State, produce the required yield of 3 gallons to the bushel, and this of itself will induce illicit distilling, as it seems whisky must be had, let it cost what it may.

From the information which has reached this office, I am thoroughly satisfied that there is and will be more illicit distilling in that section of this State hereinbefore mentioned than ever before known, and in addition to this, it is gaining ground in the eastern and northern parts of this State.

The corn crop in this State this year is unprecedentedly large, and in many parts of the State is selling at 11 cents per bushel, so I am reliably informed, and, in my opinion, a large proportion of this corn will be made into spirits in the mountainous sections of this State. I can assure you that I feel a deep interest and pride in the matter of

suppressing this illicit traffic, and it is my intention to leave no stone unturned to accomplish this work.

It is my candid opinion, and I have given the matter no little thought, that it would be to the very best interests of the Government to allow this district the deputy referred to, and I do hope the honorable Commissioner of Internal Revenue will act accordingly.

Very respectfully,

R. T. COOK, *Collector.*

Hon. WAYNE FERGUSON,
Revenue Agent, Nashville, Tenn.

(Indorsed:) Copy of copy. Little Rock, Arkansas, October 30, 1895. R. T. Cook, collector. Regarding appointment of "raiding deputy" for Ark.

INTERNAL-REVENUE SERVICE,
DISTRICT OF ARKANSAS, COLLECTOR'S OFFICE,
Little Rock, Ark., September 2, 1897.

DEAR SIR: In response to your telegram of this date, inquiring whether any revenue officers were in the party recently assailed by illicit distillers in my district, and your prompt instruction to render the marshal assistance, I have replied as follows, which you have already received:

COMMISSIONER INTERNAL REVENUE, *Washington, D. C.:*

No revenue officer in party. Immediately upon receipt of information I instructed division deputy to organize a posse and cooperate with marshals in capturing murderers and the still thought to have been abandoned.

REMMEL, *Collector.*

Thus far we have received no information of the apprehension of the criminals, but the posse in pursuit are a determined set of men, one of them being the son-in-law of Captain Taylor, one of the deputy marshals killed, who is a fearless and intrepid officer, as well as those of the marshal's posse who have gone in pursuit.

Permit me, right in this connection, to submit to you a copy of a letter written to Wayne Ferguson, revenue agent at Nashville, Tenn., October 30, 1895, by my predecessor, Mr. R. T. Cook. I desire to indorse every word that he has therein stated with emphasis. The territory is entirely too large for five traveling deputies to do efficient work and wipe out this illicit traffic, and I trust that you will promptly authorize me to appoint a "raiding deputy," and as such a man for this important place I would want a person eminently qualified both as to courage and discretion to fill the position. Such a man I have in the person of W. P. Hodges, of Marshall, Ark., son-in-law of Captain Taylor, who was recently so cowardly murdered, and it would be a most fitting and appropriate appointment to put this man in this position.

He was the sheriff of Searcy County some years since, and is commended on all sides for his peculiar ability in this direction. It is absolutely urgent that something be done to kill out this nefarious traffic in this State in order to protect and collect the Government revenue. I believe this can be done by appointing a raiding deputy.

Very truly, yours,

H. L. REMMEL, *Collector.*

Hon. G. W. WILSON,
Acting Commissioner, Washington, D. C.

(Indorsed:) Copy. Little Rock, Arkansas, September 2, 1897. H. L. Remmel, collector. Asking authority to appoint a "raiding deputy" coll. for this district.

INTERNAL REVENUE SERVICE,
DISTRICT OF ARKANSAS, COLLECTOR'S OFFICE,
Little Rock, Ark., December 4, 1897.

SIR: Mr. John T. Burris, who I recently appointed special raiding deputy in this district, and who has proven a most efficient officer, desires, before the period of his appointment expires, to take an examination before the civil-service board in this city.

When I was in Washington in September, I conversed with Major Harlow and Secretary Doyle, of the Civil Service Commission, with regard to what class of examination a raiding deputy should pass. I demonstrated to them that the work of a raiding deputy was entirely different to that of a regular deputy collector, requiring a man of most excellent judgment and discretion, with some education, but with a very large amount of bravery. Mr. Doyle, jointly with Major Harlow, submitted to me the following as the probable qualifications:

He must have some education, but need not be able to pass an internal-revenue examination; his age to be between 30 and 50 years; he should be, if possible, a mountaineer; he should have some experience as a sheriff, deputy sheriff, constable, city marshal, or similar experience; he must furnish evidence of courage; he must be temperate in his habits.

Would such an examination comport with your views of the matter? If so, will you advise the Civil Service Commission and let me know with regard to same, and thus greatly oblige.

Yours, very truly,

H. L. REMMEL, *Collector.*

Hon. W. S. FORMAN,
Commissioner Internal Revenue, Washington, D. C.

(Indorsed:) Copy. Little Rock, Arkansas, December 4, 1897. H. L. Remmel, collector. Regarding the kind of an examination a "raiding deputy" should stand. Outline submitted by Messrs. Harlow and Doyle, of the Civil Service Commission.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., December 9, 1897.

SIR: I inclose herewith copy of letter from the collector of internal revenue for the district of Arkansas, for reference to the United States Civil Service Commission, with the recommendation that a special examination be ordered for Mr. John T. Burris, whose name is submitted by Collector Remmel as a person specially fitted for raiding duty.

I respectfully suggest that the age limits for officers of that character should, in my opinion, be from 25 to 45 years, instead of from 30 to 50. I would further suggest that candidates for the position of raiding deputy should be men of good character, perfect physical strength, absolute freedom from intemperance in the use of intoxicating liquors, sufficient education to be able to read and write, of good moral and physical courage, familiar with the use of firearms, and thoroughly acquainted with the localities where illicit distilleries are operated and with the class of people who carry on that business.

I request that a special examination be ordered in the second district of Tennessee for John B. Alton, whose name is presented by the collector of that district as a man peculiarly fitted for raiding work; also

that a special examination be ordered in the eighth district for E. S. Helburn, whose division covers a territory where illicit distillation is carried on and which is reported by the collector as the wildest and roughest part of the State of Kentucky, and who is recommended by the collector as possessing all the qualifications for raiding duty.

Copies of the letters of Collector Tyler, of the second district of Tennessee, and Collector Yerkes, of the eighth district of Kentucky, are herewith inclosed.

Very respectfully, G. W. WILSON,
Acting Commissioner.

The honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Copy. Treasury Department, Office Internal Revenue, December 9, 1897. G. W. Wilson, Acting Commissioner. Requesting special examination of J. T. Burris and J. B. Alton for appointment for raiding duty.

SECOND DISTRICT OF KENTUCKY.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., November 2, 1897.

SIR: The Commission is in receipt of a communication from W. M. Hesselton, late storekeeper in the internal-revenue service of the Owensboro, Ky., internal-revenue district, in which complaint is made that there is an effort to displace several employees of that district without revoking their commissions or otherwise removing them from office. While the Presidential order of July 27 prohibits a removal except for just cause and upon written charges, it is alleged that an attempt is being made to evade that order by accomplishing that which was prohibited by the order and yet technically not violating it, but violating it in substance and effect. Mr. Hesselton states that on September 25, 1897, he received a letter from the collector which reads as follows:

> An examination of the records of this office indicates that the force is considerably in excess of the demands of the service, and it being deemed desirable that the force should be reduced to such an extent that the number unassigned will not exceed 15 per cent of the force assigned to duty, I have, under instructions from the Commissioner, recommended the revocation of your commission in the Internal-Revenue Service. This is done on the ground of the necessary reduction of force in this collection district.

Accompanying Mr. Hesselton's communication is a clipping from a recent issue of the Owensboro Daily Messenger, which, under the head "Thirty-six revenue officials in this district get the ax," gives what is purported to be an interview with the collector of internal revenue, in which it is stated that he had recommended a revocation of the commissions of fifteen of the storekeeper-gangers; that the force was in excess of the demands of the service, and that he deemed it expedient that it be reduced, so that the number unassigned would not exceed 15 per cent of the force assigned to duty. Mr. Hesselton charges that the revocation of his commission would have been a removal from office and an obvious violation of the Executive order of July 27, but that in discontinuing his services without revoking or canceling his commission there has been an evasion of such Executive order.

Before taking action upon this complaint, the commission will be

pleased to receive the Department's statement whether the force of storekeepers and gaugers and storekeeper-gaugers in this district have recently been reduced to such an extent that the number unassigned will not exceed 15 per cent of the force assigned to duty, and if so, to receive your further statement showing the methods that are employed in selecting the persons for reduction.

In this connection it seems proper to invite the Department's attention to the fact that since August 9, 1897, the following persons have been reinstated to storekeeper and gauger positions in the internal-revenue service in this district, under the provisions of Rule IX: James H. Lile, August 19, 1897; Robert F. Goode, August 20, 1897; William C. Morton, September 9, 1897; Aaron S. Hicks, September 17, 1897, and James D. Wilson, October 15, 1897. If, as stated by the collector in his letter to Mr. Hesselton, the force was reduced in order that it might not exceed 15 per cent of the force assigned to duty, the Commission would be pleased to receive your explanation of the Department's reasons for reinstating the five persons referred to, three of whom appear to have been reinstated at a time when the force was alleged to have been considerably in excess of the demands of the service, and two of whom were reinstated after the force had been cut down by reason of such excess. It would seem, from the information on the files of the commission, that the Department has seen fit to reduce the force at this district for the reason that it was in excess; but, at the same time, without regard to such excess, has made additional appointments by reinstatement, under the provisions of Rule IX. These additional appointments would, if the facts are as represented to the commission, raise the question whether the statute forbidding appointments in excess of the 15 per cent limit had been violated.

Very respectfully,

JOHN R. PROCTER,
President.

The honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Copy. U. S. Civil Service Commission, Washington, D. C., November 2, 1897. John R. Procter, president. Complaint from W. M. Hesselton, late storekeeper in int. rev. service, Owensboro, Ky., of effort to displace employees.

Copy. Treasury Department, office of the Secretary, Division of Appointments, November 22, 1897. Respectfully referred to the Commissioner of Internal Revenue, with the request that collectors be notified that, until otherwise ordered, existing rules relative to appointments of deputy collectors must be complied with. You will please furnish a report in this case. (Signed) L. J. Gage, Secretary.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., December 3, 1897.

SIR: Referring to letter from the Civil Service Commission, dated the 2d day of November, 1897, referred to this office on the 22d ultimo, in regard to complaint of ex-Storekeeper W. M. Hesselton as to his separation from the Internal-Revenue Service in the second district of Kentucky, I have the honor to state that a reduction of the force of distillery officers was made in that district for the good of the service.

Some few reinstatements under civil-service rule 9 were made, also for the purpose of improving the service.

As regards the provision of law requiring the limitation of the force to 15 per cent above the number required for actual service, it is impracticable for this office to secure absolute compliance with this rule at all times, owing to the fact that it has no control over volume of the distilling industry. Reductions in and additions to the force are recommended from time to time to meet changes in the distilling business and to make ready for changes therein so far as they can be anticipated. There is no law, however, to prevent the starting up of distilleries in any district at any time that individuals may choose to enter that business.

Very respectfully,

G. W. WILSON,
Acting Commissioner.

To the honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Copy. Treasury Department, Office of Internal Revenue, Washington, D. C., December 3, 1897. G. W. Wilson, Acting Commissioner. In regard to complaint of ex-Storekeeper W. M. Hesselton.

INTERNAL-REVENUE SERVICE,
EIGHTH DISTRICT OF KENTUCKY, COLLECTOR'S OFFICE,
Richmond, Ky., July 31, 1897.

SIR: D. D. Sublett, deputy collector in the sixth division of this the eighth collection district of the State of Kentucky, has presented his resignation and same has been received and accepted. It is especially important on account of the brandy distilling now beginning that a deputy should at once be appointed to fill this vacancy. I find on the eligible list for appointment the following gentlemen graded in the order of their names herein given: S. F. Phelps, George B. Warren, W. S. Burch, and Harry W. Atkeson. Of these four Mr. Atkeson is the only one who resides within the division of which Mr. Sublett was the deputy. Mr. Burch is a cripple, using crutches, and thereby unfitted for the position. Messrs. Phelps and Warren both live in an entirely different portion of the district. Under the circumstances, and under the necessity for immediate appointment, I have directed Mr. Atkeson to prepare a bond, and with your consent will commission him as a temporary deputy for the above-named division. Please wire me if you will confirm his appointment under the circumstances.

Respectfully,

JOHN W. YERKES, *Collector.*

Hon. COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C.

(Indorsed:) Copy. Richmond, Ky., July 31, 1897. John W. Yerkes, collector. Request to appoint temporary deputy collector.

EIGHTH DISTRICT OF KENTUCKY.

[Telegram.]

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., August 2, 1897.

Make temporary appointment, vice Caudill, under section 12, civil-service rule 8, and report action.

G. W. WILSON,
Acting Commissioner.

JOHN W. YERKES,
Collector, Richmond, Ky.

Official business. Government rates. Charge Treasury Department.

(Indorsed:) Copy. Treasury Department, Office Internal Revenue, August 2, 1897. G. W. Wilson, acting commissioner. Make temporary appointment, vice Caudill, under sec. 12, civil-service rule 8, and report action. 8 Ky.

INTERNAL REVENUE SERVICE,
EIGHTH DISTRICT OF KENTUCKY, COLLECTOR'S OFFICE,
Richmond, Ky., August 5, 1897.

SIR: In conformity with the instructions contained in your letter of the 30th ultimo, W. H., I. C., addressed to my predecessor, I respectfully report that I have appointed as an additional deputy collector for fruit-brandy work in this district F. V. Logan, of Somerset, Ky. He is an ex-Federal soldier who has applied for reinstatement under rule 9 of the Civil Service Commission; was four years a deputy collector in this district under A. R. Burnam, collector, and is thoroughly competent to perform the duties required. In making this appointment, subject to your approval, I will further state that of the three names now on the eligible list in this district, one is so badly crippled that it is impossible for him to perform the duties of a deputy collector, and the other two have made no application for the position of deputy collector and are absolutely without experience in the revenue service, and do not reside in that portion of the district where the greater part of the brandy work has to be done. Applications are coming in daily to this office from persons desiring to begin the distillation of fruit brandy, and it seems to me almost necessary to select someone who is already familiar with the duties of the position. I have therefore selected an ex-soldier who has applied for reinstatement and who, by virtue of former service, is thoroughly familiar with the work; and further, one who resides in that section of the district where fruit-brandy distilling will be done.

I respectfully ask that this be acted on promptly, and I be notified of the determination of the Department for the reason above given that the period is arriving when this work must receive prompt attention.

Respectfully,

JOHN W. YERKES, *Collector.*

Hon. COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C.

(Indorsed:) Copy. Richmond, Ky., August 5, 1897. John W. Yerkes, collector. Relative to appointment of additional deputy collector for brandy work.

INTERNAL REVENUE SERVICE,
EIGHTH DISTRICT OF KENTUCKY, COLLECTOR'S OFFICE,
Richmond, Ky., August 11, 1897.

SIR: In conformity with instructions contained in your telegram of 2d insant, I respectfully report that I have appointed E. S. Helburn, of Middlesboro, Ky., as temporary deputy collector in this district, vice W. J. Caudill, deputy collector, resigned.

Respectfully, JOHN W. YERKES,
Collector.

(Indorsed:) Copy. Richmond, Ky., Aug. 11, 1897. John W. Yerkes, collector. Relative to temporary appointment of Deputy Collector E. S. Helburn.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., October 11, 1897.

SIR: This office is in receipt of a certificate from the United States Civil Service Commission, containing the names of Samuel F. Phelps, George B. Wearen, and Harry W. Atkeson, eligible for appointment as deputy collectors in your district. The name of Harry W. Atkeson is substituted for that of William S. Burch, certified in a former list. You will please make your selection and notify this office of the same, giving the date of the appointment.

Respectfully, yours,

G. W. WILSON,
Acting Commissioner.

JOHN W. YERKES, Esq.,
Collector Eighth district, Richmond, Ky.

(Indorsed:) Copy. Treasury Department, Office Internal Revenue, October 11, 1897. G. W. Wilson, Acting Commissioner. S. F. Phelps, G. B. Wearen, and H. W. Atkeson, eligible for app't. as dep. coll., Richmond, Ky. Requesting selection be made and giving date of appointment.

INTERNAL-REVENUE SERVICE,
EIGHTH DISTRICT OF KENTUCKY, COLLECTOR'S OFFICE,
Richmond, Ky., October 15, 1897.

SIR: In your letter of October 11, C. L. L., you state that you are in receipt of a certificate from the United States Civil Service Commission containing the names of Samuel F. Phelps, George B. Wearen, and Harry W. Atkeson, eligible for appointment as deputy collectors in this district. I have selected Harry W. Atkeson for appointment as deputy collector in the division in which he lives, and have so notified your office.

E. S. Helburn was appointed in August, under authority from your office, as deputy collector of the fifth division in this district, and has made a most capable deputy in every regard and respect. His division includes such counties as Harlan and Bell, being strictly a mountain division.

Now, his term of service will expire in a few days, and in your letter of October 11, I am compelled to select either Samuel F. Phelps or George B. Wearen to succeed him. Both of these gentlemen live in

the blue-grass portion of my district, are very well educated, clever young men, but absolutely unfitted in every regard to take up the work of deputy collector in the mountain division, where raids are constantly made, and where only a certain type of men are fitted for the duties of the office.

If the efficiency of the service is to be considered, then Mr. Helburn should be retained. He is competent to pass the civil-service examination, being a well-educated man, though a resident of that portion of the district.

I ask simply, for the benefit of the service, if some arrangement can not be made by which a special examination can be held for him, or in some way arrangement made under which he can be retained in the service.

In your letter of October 13 you advise me that I do not have the power to select a stamp deputy collector to succeed C. R. Posey, resigned, at Lawrenceburg.

I presume from correspondence that this appointment must then either go to Samuel F. Phelps or George B. Wearen, neither of whom live in Anderson County, where the office is located, and the salary is only $500 per year.

A civil-service examination was held in this district on March 20 of this year, and up to the present time no report has been made by the Civil Service Commission touching that examination.

After my appointment I made a personal request of the president of the commission to have the papers of that examination gone over and the eligible list certified. And I was assured that it would be here by the 15th of August, but so far none has been received.

H. W. Atkeson being removed from the eligible list by his appointment, it leaves only two names thereon, and I now through you make application to the Civil Service Commission for three eligibles from whom to make a selection of deputy collector at Lawrenceburg.

The matter of an appointment of a successor to E. S. Helburn is very important to the work in this district, and I urge again that, if possible, he be retained. This is in no way a personal matter with myself, it is simply my desire that the Government should be well served by officials in this district.

Very respectfully, JOHN W. YERKES,
Collector.

Hon. GEO. W. WILSON,
Acting Commissioner of Internal Revenue, Washington, D. C.

(Indorsed:) Copy. Richmond, Kentucky, October 15, 1897. John W. Yerkes, collector. In the matter of the appointment of deputy collectors in the eighth district of Kentucky.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., October 21, 1897.

SIR: I have the honor to inclose for transmittal to the United States Civil Service Commission copy of letter received from Collector Yerkes, of the eighth district of Kentucky.

No consideration is requested of that part of the letter relating to the appointment of an assistant to the stamp deputy at Lawrenceburg, as that place will be filled from the eligible list certified in regular

order. The collector having exercised his prerogative by making an excepted place of the principal deputyship in the Lawrenceburg office, he can not appoint the assistant except from the eligible list.

The question, however, of the selection of a suitable person for appointment as division deputy in the division described by the collector is of great importance, and I earnestly indorse all that the collector says upon that subject and ask, for the good of the service, that some arrangement be made whereby the collector may retain the services of Mr. Helburn in the section named.

An early decision of this matter is very desirable.

Very respectfully,

G. W. WILSON,
Acting Commissioner.

The honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Copy. Treasury Department, Office of Internal Revenue, Washington, D. C., October 21, 1897. G. W. Wilson, Acting Commissioner. Asking that some arrangement be made whereby the collector may retain the services of Mr. Helburn.

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., November 9, 1897.

SIR: This office is advised that the Civil Service Commission objects to the further retention of E. S. Helburn as deputy collector in your district, notwithstanding the fact that the question of the appointment of deputy collectors is before the Attorney-General.

If this is a fact, it is suggested that the place now held by Mr. Helburn might be filled by Mr. F. V. Logan, who has been certified by the Civil Service Commission as eligible for reinstatement under Civil Service Rule IX. Mr. Logan is regarded as a capable man, and as the temporary allowance under which he was first appointed will soon expire it is thought that his transfer to a permanent place may be in the interest of the service.

Please advise me of your views on this mattter.

G. W. WILSON,
Acting Commissioner.

JOHN W. YERKES, Esq.,
Collector Eighth District, Richmond, Ky.

(Indorsed:) Copy. Treasury Department, Office of Internal Revenue, November 9, 1897. G. W. Wilson, Acting Commissioner. Case of E. S. Helburn. 8 Ky.

INTERNAL REVENUE SERVICE,
EIGHTH DISTRICT OF KENTUCKY, COLLECTOR'S OFFICE,
Richmond, Ky., November 11, 1897.

SIR: Replying to your letter of the 9th instant, L. S. R., I regret very much that Mr. E. S. Helburn can not be retained as deputy collector in this district. He has made the most efficient deputy in every respect on duty in my district.

I have no personal interest in him whatever, but on account of his efficiency and fidelity I had hoped a special examinatian could have

been arranged for him and in that way he could be retained. I wrote to you on the 15th of October asking if this could be done, but having received no reply I presume it was impossible.

I have a letter from the honorable president of the Civil Service Commission objecting very seriously to the appointment of Mr. Helburn and of Capt. F. V. Logan, and stating that he had called the attention of the honorable Secretary of the Treasury to these appointments and requested that they be immediately separated from the service.

Your suggestion that the place now held by Mr. Helburn might be filled by Captain Logan, who has been certified by the Civil Service Commission as eligible for reinstatement under Civil Service Rule IX, is an agreeable one to me, as Captain Logan is a very capable man. The only trouble is that Captain Logan does not live in the division assigned to Mr. Helburn, and he would be compelled to give up his home and move his family into another part of the district; and you know how jealous each division is of having the appointees selected from the counties within that division. This has been the invariable rule for years in Kentucky, and a departure from it would be harshly criticised. And, indeed, I think myself it is wise for a deputy collector to be appointed from the division over which he is to have control.

I had intended, after Captain Logan's reinstatement, to appoint him general storekeeper-gauger for the division in which he resides.

I stated to the Hon. John R. Procter in person last July, and have written him since, that the selection of deputy collectors is the most important duty the collector has to perform to secure efficient work in the district. You know that a large part of my district consists of mountain counties, where the work of a deputy collector is dangerous, and where many raids are made. And while the eligible list may prove the educational fitness of one standing the examination, it does not indicate whether he has courage, prudence, and acquaintance necessary to one acting with any degree of success as deputy collector in the mountain counties.

If you can suggest any steps that can be taken to secure the retention of Mr. Helburn, it will be very much appreciated by this office.

Very respectfully,

JOHN W. YERKES, *Collector.*

Hon. GEO. W. WILSON,
Acting Commissioner of Internal Revenue, Washington, D. C.

(Indorsed:) Copy. Richmond, Ky., Nov. 11, 1897. John W. Yerkes, collector. Relative to the appointment of E. S. Helburn and F. V. Logan as temporary deputy collectors.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., November 20, 1897.

SIR: In reply to your letter of the 11th instant, in regard to the special fitness of Mr. E. S. Helburn for the position of division deputy in the territory to which he is assigned, and stating that the work of your division deputies is at many times dangerous and requiring courage, prudence, and acquaintance with the neighborhood for any degree of success in the discharge of their duties, I have to suggest that you address a letter to this office stating specifically Mr. Helburn's qualifications for such work, the necessity for it in his division, the reasons why

the persons on the eligible list are not fitted for the work, and this office will request the Civil Service Commission to make an exception to their rules on the ground that the man named is an expert in the kind of work required, and to order a pass examination for him with a view to the issuance of a certificate for his permanent appointment.

Very respectfully,

W. S. FORMAN,
Commissioner.

JOHN W. YERKES, Esq.
Collector Eighth District, Richmond, Ky.

(Indorsed:) Copy. Treasury Department, Office Internal Revenue, November 20, 1897. W. S. Forman, Commissioner. Special examination for E. S. Helburn.

INTERNAL-REVENUE SERVICE,
EIGHTH DISTRICT OF KENTUCKY, COLLECTOR'S OFFICE,
Richmond, Ky., November 30, 1897.

SIR: Replying to your circular letter of November 23 relative to compliance with existing rules relative to appointments of deputy collectors, I desire respectfully to state that the only deputy collector in this district who is not acting in full accord with the existing rules is E. S. Helburn, about whom I have been in correspondence with your office; and there is now pending an application for a special examination to be given by the Civil Service Commission to him. Under these circumstances, and in view of the present state of affairs in that division of my district, I ask whether he shall be relieved or whether he can be continued until final action is taken in his case.

Very respectfully,

JOHN W. YERKES, *Collector.*

Hon. G. W. WILSON,
Acting Commissioner Internal Revenue, Washingon, D. C.

(Indorsed:) Copy. Richmond, Ky., Nov. 30, 1897, John W. Yerkes, collector. Relative to circular letter of Nov. 23rd, with regard to compliance with existing rules relative to appointment of deputy collectors.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., December 1, 1897.

SIR: This commission is in receipt of your communication of November 27, in answer to the commission's communication of October 30, making inquiry respecting the reason for the removal of the 91 storekeepers and gaugers in the Richmond, Ky., internal-revenue district "for the good of the service," as reported by the collector of that district. The letter from the deputy commissioner of internal revenue, which was inclosed with your letter, states that the removals were made for the purpose of reducing the force of the district to a number approximate to the requirements of the service.

Under clause 8 of Rule XI the 91 persons referred to could only have been properly removed for just cause and after a full opportunity of explanation. The opportunity thus afforded to such persons of answering charges might have prevented their removals, but it appears that they were removed because their services were not necessary, thus practically abolishing the positions. The explanation given by the

deputy commissioner of internal revenue would ordinarily be accepted by the commission as satisfactory, but with reference to this particular district it appears that since the 91 removals were made "for the purpose of reducing the force of such district to a number approximate to the requirements of the service" the commission has issued, in response to the formal requisitions from your Department, certificates to cover the reinstatements of eight persons to the grades of either gauger, storekeeper, or storekeeper-gauger in this district, not counting any which may have been issued during the month of November. It would therefore seem that within six weeks from the date of making the wholesale removals because the services of the persons so removed were not necessary it was found that the district needed more employees of the storekeeper, gauger, or storekeeper-gauger grade, and eight persons were reinstated under the provisions of Rule IX.

The 91 positions having been abolished for the purpose of reducing the force to meet with the requirements of the service, as reported by the deputy commissioner of internal revenue, the commission would be pleased to receive the Department's statement whether the 8 positions referred to should be recreated in a little more than one month and 8 persons appointed by reinstatement. If so, a wide opening is made for violation of the President's order of July 27, 1897, and if places are wanted, competent men can be dismissed from the service for the reason assigned in the cases of the 91 dismissals in the Richmond district. In the cases of removals made for the reason that services are no longer required, it would seem that some rule should be adopted by which any place made vacant for this assigned reason or because the positions have been abolished should be filled, if within one year, by the reinstatement of the persons so removed, and that opportunity for reinstatement should be given to each person so removed in the order of removal, and that a written declination from the person removed should be furnished before the position could be filled by any other reinstatement, or by appointment, or otherwise.

The commission knows nothing of the merits of the 91 persons separated in the Richmond district on September 21, but as they were not removed for inefficiency or delinquency, it is fair to assume that their work was satisfactory. It would seem, therefore, that if the services of storekeepers, gaugers, or storekeeper-gaugers are now needed in the Richmond district, preference should be given to those persons who were removed without delinquency or misconduct when their services are needed.

Very respectfully, JOHN R. PROCTER,
President.

The honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Copy. U. S. Civil Service Commission, Washington, D. C., December 1, 1897. John R. Procter, president. Rel. to removal of 91 storekeepers and gaugers in int. rev. district, Richmond, Ky., for good of service.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., December 22, 1897.

SIR: Referring to the letter of the United States Civil Service Commission dated the first instant, relative to the dismissal on the

25th of September last, of 91 distillery officers in the eighth district of Kentucky, and the reinstatement since that date of eight veterans of the war of the rebellion, under Civil Service Rule IX, I have the honor to state that I have caused careful examination to be made of the records of this office, and find that up to the 20th instant no request has been made by this office since the date of said reduction for the reinstatement of a storekeeper, gauger, or storekeeper and gauger in said district.

A number of persons eligible to reinstatement under Rule IX had been recommended by the collector and by this office from three weeks to two months prior to the date when the reduction was recommended, and a few of these reinstatements were not consummated until after September 25, 1897, owing to delays in looking up records in this Department to ascertain that the applicants had proved themselves valuable and efficient officers during their former term of service, and further delays in verifying military records, calling for and furnishing additional evidence required by the War Department, etc. It is not believed that the delay could have been avoided, in view of the large number of candidates all over the country whose restoration had been recommended by the collectors of the several districts. In this way it happened that appointments requested early in the season, before the necessity for a reduction of force to meet a reduced volume of the distilling business had become obvious, were not completed until after that reduction had been made.

In regard to the reduction of the force in the eighth district of Kentucky, it was made to bring the force into conformity with the needs of the service and at the same time to raise the standard of efficiency in the force as reduced by selecting for retention only the most efficient and expert officers. The collector was imperatively directed to be guided solely by the best interests of the service in asking selections for reduction.

It will thus be seen that the persons dismissed September 25 were selected because they did not come up to the highest standard of efficiency reached in that district, while the veterans restored were recommended because they had proved themselves by previous service and training to be specially fitted for the actual work to be done.

In the face of these facts this office can not approve the suggestion of the commission that a rule should be established by which for a year to come these 91 officers dismissed should have priority over the eligible lists and over all other classes of eligibles for reinstatement under Rule IX for appointment to any vacancy that may occur in the district referred to; nor is it deemed in harmony with the spirit of sections 1754 and 1755 of the Revised Statutes that discrimination should be made in their favor against the honorably discharged soldiers and sailors of the war who are certified as morally, mentally, and physically fitted for the duties of these positions.

Very respectfully, W. S. FORMAN,
Commissioner.

The honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Copy. Treasury Department, Office of Internal Revenue, Washington, D. C., December 22, 1897. W. S. Forman, Commissioner. Relative to the dismissal of ninety-one distillery officers in the eighth district of Kentucky.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., December 23, 1897.

SIR: I return herewith letter from the United States Civil Service Commission, dated the 14th instant, referred to this office on the 20th instant, in regard to request f r removal of E. S. Helburn from the position of deputy collector in the eighth district of Kentucky, with the advice that a request is pending before the commission for a special examination for Mr. Helburn as an expert raiding deputy. Mr. Helburn is performing very valuable service in that district, and it would be a disadvantage to the Government to lose him at this time. In view of the fact that the special examination has been asked for, I earnestly recommend that Mr. Helburn be permitted to remain on the force until action is had on that request.

Very respectfully,

W. S. FORMAN,
Commissioner.

To the honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Copy. Treasury Department, Office of Internal Revenue, Washington, D. C., December 23, 1897. W. S. Forman, Commissioner. In regard to request for removal of E. S. Helburn from position of deputy collector, eighth district of Kentucky.

DISTRICT OF WEST VIRGINIA.

CHARLESTON, W. VA., *August 16, 1897.*

GENTLEMEN: I hereby complain to your honorable commission that I have been removed for political reasons from a position in the classified civil service of the United States in violation of Rule II, clause 3, of the rules of the Civil Service Commission, and submit herewith an affidavit covering the facts in connection with my removal. If this is not the proper manner in which to submit proof, be kind enough to inform me in what manner it should be done.

Very truly,

GEO. W. SUMMERS.

CIVIL SERVICE COMMISSION,
Washington, D. C.

(Indorsed:) Copy. Charleston, West Virginia, August 16, 1897. G. W. Summers. Submitting affidavit.

STATE OF WEST VIRGINIA, *County of Kanawha ss:*

Geo. W. Summers, of the county of Kanawha and State of West Virginia, being duly sworn according to law, deposes and says as follows: That on the 20th day of September, 1894, he was appointed and commissioned a deputy collector for the internal-revenue district of West Virginia, by E. M. Gilkeson, then collector for the said district; that he was a deputy collector employed in the collector's office at Parkersburg, W. Va., at the time of the President's proclamation of May 6, 1896, placing deputy collectors in the classified civil service of the United States, and that he was included in said order of the President; that on the 26th day of June, 1897, affiant was, without his knowledge

or consent, designated by Collector Gilkeson as an excepted employee under Rule VI of the civil-service rules; that he was afterwards told (to wit, on the 28th day of June) by Collector Gilkeson's chief clerk, acting for the collector, that such designation had been made, that it would remove him from civil-service protection, and that it was done at the request of A. B. White (who succeeded E. M. Gilkeson as collector on July 1st, 1897) in order that he (White) might put a man of his own political faith in affiant's place; that on the 1st day of July, 1897, the said A. B. White did put a man of his own political faith in the place of affiant, and that the affiant was then superseded and removed from his position and since that time has performed no service in the office and drawn no pay as a deputy collector of internal revenue; that on or about the second day of July Collector White shook hands with affiant and said, "George, I am sorry you are a Democrat," or words to that effect, and continued in words which the affiant does not now recall, but which in effect were that if he had not been a Democrat he would have been retained in the service of Collector White.

Affiant therefore complains that he was removed from a position in the classified civil service of the United States for political reasons and in violation of clause 3 of Rule II of the civil-service rules.

GEO. W. SUMMERS.

Subscribed and sworn to before me this 16th day of August, 1897.

[SEAL.] RUSSELL G. QUARRIER,
Notary Public in and for Kanawha County, W. Va.

(Indorsed:) Copy. Affidavit of G. W. Summers.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., August 18, 1897.

SIR: Attention is invited to the inclosed copy of a complaint made by George W. Summers, late deputy collector, internal-revenue service, district of West Virginia, of his removal for alleged political reasons, in violation of Rule II, clause 3, of the civil-service rules.

The commission will be pleased to receive your remark in this matter.

Very respectfully, JOHN B. HARLOW,
Acting President.

The honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Copy. U. S. Civil Service Commission, Washington, D. C., August 18, 1897. John B. Harlow, acting president. End. copy letter Geo. W. Summers complaining of his dismissal, etc.

Copy. Treasury Department, Division of Appointments, August 21, 1897. Respectfully referred to the Commissioner of Internal Revenue for report. L. J. Gage, Secretary.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., August 23, 1897.

SIR: Your letter of the 16th instant, addressed to the honorable Civil Service Commission, complaining of the action of the collector of internal revenue for the district of West Virginia in appointing your

successor as deputy collector in his office, has reached this office, and in reply you are advised that the commission held by you from ex-Collector Gilkeson expired on June 30, 1897. It appears that the present collector, Mr. White, acted within the civil-service rule relating to excepted places in making an appointment to fill the vacancy caused by the expiration of your commission.

Very respectfully,

G. W. WILSON,
Acting Commissioner.

GEORGE W. SUMMERS, Esq.,
Ex-Deputy Collector of Internal Revenue,
Parkersburg, W. Va.

(Indorsed:) Copy. Treasury Department, Office Internal Revenue, August 23, 1897. G. W. Wilson, Acting Commissioner. Rel. to complaint of ex-Deputy Coll. G. W. Summers of action of collector, West Va.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., August 23, 1897.

GENTLEMEN: Your letter of the 18th instant, addressed to the honorable Secretary of the Treasury, inclosing complaint of ex-Deputy Collector G. W. Summers, of the district of West Virginia, has reached this office.

In reply you are advised that Mr. Summers does not appear to apprehend the force of the section of law fixing the term of office of deputy collectors of internal revenue. There is no record that he has been reappointed as deputy collector by the present collector. That being the case, his authority to act as such ceased with the expiration of the commission held by him from late Collector Gilkeson, June 30, 1897. The vacancy caused by the expiration of Mr. Summers's commission appears to have been filled by Mr. White, the present collector, in accordance with the civil-service rules in regard to excepted places.

Very respectfully,

G. W. WILSON,
Acting Commissioner.

The UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C.

(Indorsed:) Copy. Treasury Department, Office Internal Revenue, August 23, 1897. G. W. Wilson, Acting Commissioner. Letter from U. S. Civil Service Com. enclosing complaint of ex-Deputy Coll. G. W. Summers, of West Va.

FIRST DISTRICT OF MISSOURI.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., December 3, 1897.

SIR: Referring to letter from the United States Civil Service Commission dated the 12th ultimo, and referred to this office on the 20th

ultimo, inquiring by what authority Frank Pomeroy Day was appointed as deputy collector in the first district of Missouri, and stating that he was not entitled to certification, for the reason that he was fifth on the list, I have the honor to state that the collector reported his temporary appointment pending certification, stating that he was one of the highest three on the eligible register. This office has no other information as to his standing on the register except that conveyed in Civil Service Certificate No. 8, dated November 30, 1897, in which his name appears as second on the list of three certified for deputy collector in the district named, and on which the collector has been advised that he is at liberty to issue a probational appointment to Mr. Day in place of the temporary appointment under which he had been serving.

Very respectfully,

G. W. WILSON,
Acting Commissioner.

The honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Copy. Treasury Department, Office of Internal Revenue, Washington, D. C., December 3, 1897. G. W. Wilson, Acting Commissioner. In relation to the appointment of Frank Pomeroy Day as deputy collector in the first district of Missouri.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., November 12, 1897.

SIR: This Commission is in receipt of a report from the collector of internal revenue at St. Louis, Mo., showing the appointment of Frank Pomeroy Day to the position of deputy collector on October 19. As Mr. Day is the fifth eligible on the register, he was not entitled, apparently, to certification for appointment to the position given him. Please state by what authority the appointment was made.

Very respectfully,

WILLIAM G. RICE,
Acting President.

The honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Copy. U. S. Civil Service Commission, Washington, D. C., November 12, 1897. William G. Rice, Acting President. Asking by what authority Frank Pomeroy Day was appointed deputy collector, St. Louis, Mo.

FIRST DISTRICT OF NEW JERSEY.

INTERNAL-REVENUE SERVICE,
FIRST DISTRICT OF NEW JERSEY, COLLECTOR'S OFFICE,
Camden, N. J., December 13, 1897.

SIR: In reply to letter of 11th instant (L. S. R.), in relation to the injunction case set for hearing on the 8th instant, I would say that the judge was taken sick and the case was adjourned without day. The conditions of the office at present are somewhat mixed; the late deputies persist, with one exception, in taking returns and money, which when received are locked in the safe. The deputies appointed under the

emergency act are attending to their duties and are meeting with a great deal of success with the taxpayers.

Very respectfully,

I. MOFFETT, *Collector.*

Hon. G. W. WILSON,
Acting Commissioner of Internal Revenue, Washington, D. C.

(Indorsed:) Copy. Camden, New Jersey, December 13, 1897. I Moffett, collector. In relation to the injunction case set for a hearing on the 8th inst. The judge was taken sick and the case adjourned without day. The old deputies, with one exception, persist in attending to the duties of the office. The new deputies are meeting with a great deal of success.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., December 15, 1897.

SIR: In reply to your letter of the 13th instant, in regard to the situation in your district under the rule against you in relation to the ex-deputies and your present force, you are advised that matters are probably in as good shape as possible under present conditions, as the order of the court must be regarded until the hearing.

In the meantime the ex-deputies should be admonished in all proper ways that they can not lawfully exercise the functions of deputy collectors, and taxpayers should decline to recognize them as such, as they are undoubtedly trespassers under the law and have no right to exercise the powers of deputy collectors of internal revenue in your district.

Very respectfully,

G. W. WILSON,
Acting Commissioner.

ISAAC MOFFETT, Esq.,
Collector First District, Camden, N. J.

(Indorsed:) Copy. Treasury Department, Office Internal Revenue, December 15, 1897. G. W. Wilson, Acting Commissioner. In relation to ex-deputies. 1st N. J.

ELEVENTH DISTRICT OF OHIO.

LAW OFFICES OF ENTREKIN & PHILLIPS,
ROOMS 8 AND 12 CARLISLE BLOCK,
Chillicothe, Ohio, August 6, 1897.

SIR: I am about to take the office of collector in the eleventh Ohio district and desire to know the law with regard to the tenure of office of the deputies. As the deputies now in office were appointed by the old collector, will they be, without reappointment, my deputies, never having been appointed by me, or will their places become vacant by operation of law? If their places become vacant, will the United States have any security for their acts, my bond only being for the malfeasances and misconduct of my own deputies? In view of the conflict of authorities which seems to exist, it seems to me these are important questions which ought to be settled.

I do not expect to reappoint any of the deputies now in office, although I shall not appoint successors for only such as do not come within the

rule of the Civil Service Commission requiring competitive examinations. There are at least two deputy collectors who seem to come within the rule requiring civil service examinations, and in such case, of course, I would have no power of removal, except for cause, under the new rule issued a few days ago. Now, in those cases will there be vacancies, or will they continue to hold under their old appointment?

My attention has been called to a decision of Comptroller Bowler, who decides that deputy marshals have no tenure of office beyond the removal of the marshal, and the reasoning in that case is entirely applicable to the case of deputy collectors. Judges of the United States courts have decided both ways upon that question lately, but their decisions were in accord with their political views in each case, and they do not have, in my opinion, much weight either way.

The reasonable rule would seem to be that no person could be deputy to a collector except to the one that appointed him, as the collector is required to give bond for the misconduct of his deputy collectors, and for his security takes a bond from such deputy collectors. Now, if I do not reappoint a deputy collector, how can I require bond of him, and would not my only security be the bond that he gave at the time he was appointed to the old collector, and would that, in fact, be any security to me at all?

Very truly, yours,

JOHN C. ENTREKIN.

Hon. SECRETARY OF THE TREASURY,
Washington, D. C.

(Indorsed:) Copy. Chillicothe, Ohio, August 6, 1897. John C. Entrekin. As to law regarding tenure of office of deputies.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., August 12, 1897.

MY DEAR SIR: In reply to your letter of the 6th instant in regard to the status of the deputy collectors of the present collector after you take charge of the office of the eleventh district of Ohio, and your prerogatives in the matter of appointments, you are advised that the law indicates (secs. 3148 and 3149, Rev. Stat.) that the commissions of the deputies of a collector of internal revenue expire with the appointment and qualification of his successor. Unless, therefore, you reappoint the deputies of your predecessor on assuming charge of the office of collector, they will be without authority to act as such. In cases where vacancies are made by your declining to reappoint the present incumbents, they must be filled by the appointment of persons certified as eligible by the Civil Service Commission from the register established for the eleventh district of Ohio, or by the reappointment of soldiers eligible for reinstatement under Civil-Service Rule IX, and qualified for the duties under the terms of Department Circular No. 96, or in case there is no register of eligibles, by temporary appointments under section 12 of Civil-Service Rule VIII.

A temporary appointment may also be made from the eligible list or by reappointment of a soldier pending the issuance of certificate for original appointment or reinstatement by the commission.

The request to the commission for such certificate is made by the collector through this office.

This office does not care to enter into a discussion as to the bearing on the question of appointments of deputy collectors of the decision of the Comptroller of the Treasury in regard to the term of office of deputy marshals, nor as to the effect of the decisions of United States judges referred to by you.

I have set forth the law and the rules of the President relating to the matter, and it is desirable that collectors conform thereto.

In regard to excepted places to which appointments may be made without reference to the eligible lists, you are advised that in the eleventh Ohio there is one excepted employee in the collector's office, who shall act as cashier or chief deputy, and one in each stamp (or branch) office, making a total of three excepted places. Appointees to these places will be subject to a pass examination at a later date, when arrangements for such examinations shall have been completed.

Very respectfully,

G. W. WILSON,
Acting Commissioner.

JOHN C. ENTREKIN, Esq.,
Chillicothe, Ohio.

(Indorsed:) Copy. Treasury Department, Office Internal Revenue, August 12, 1897. G. W. Wilson, Acting Commissioner. Rel. to appointment of deputy collectors. 11th Ohio.

LAW OFFICES OF ENTREKIN & PHILLIPS,
ROOMS 8 AND 12, CARLISLE BLOCK,
Chillicothe, Ohio, August 21, 1897.

GENTLEMEN: There are two vacancies existing of traveling deputy in my district. There is another vacancy of deputy collector at Columbus, assistant to stamp deputy at that place. This appointment is a young lady who gets $300 a year, and who, while she is employed as a matter of fact all the time, was probably appointed with the understanding that she was not to be. Her working all the time, I suppose, has been a matter of choice on her part. I find by the thirteenth report of the Civil Service Commission there was at that time one deputy collector in this district who is not under the civil service. I have made diligent inquiry to find out who it is and have been unable so far to find out from any source here. The revenue agent, Seawell, told me that it was this young lady. She does not know herself. The old collector did not know. The board of examiners of civil service at Springfield does not know, and there seems no other way to settle the matter except to refer to your commission for information.

The other vacancies are the traveling deputies in the subdivisions whose headquarters are at Columbus and McArthur. I desire to make emergency appointments in all these cases. The only information I have on the subject is the rule on pages 70 and 71 of your thirteenth report. My construction of that rule is that I am allowed to appoint anybody for thirty days to any of these places, they being deputy collectors. If they were storekeepers, or gaugers, or clerks, my understanding is that they could only be appointed from the eligible list and for no longer time than six months. Now, would I have a right to appoint the old incumbents, whose term expired with the expiration of the term of the old collector and who are now out of office, to any of these places, and would I have a right to appoint an outside person to any of these

positions—that is, a person who has never held a place in the revenue service or a person who has held a similar position in the revenue service under former collectors, but who have not been removed on account of politics, but have resigned?

I would like to get experienced persons if possible, because I am new in the office and need persons who have had experience in these difficult places. The traveling deputies are the most responsible in the service and require experienced officers if they can be got, in order to give good results.

Could I date back the appointment of these old officers, if I appoint them, in this emergency to cover work that they have already done believing that they still continued in office? They have gone on performing their duties and making their reports upon the theory that they were under the protection of the Civil Service Commission and were still in office.

The Treasury Department has decided otherwise. Now, if I can make temporary appointments, can I cover by dating my appointments from the date of my taking hold of the office so as to legalize their acts and make the record show that they were appointed from that date. They have done the duties just as though they had been appointed. They have not been removed except by act of law—that is, expiration of term. I would like to have your advice upon these matters, as I do not intend to do anything which has not the approval of your commission and the Treasury Department. In fact, it is only within a day or two that I have been certain that these traveling deputies were not still in office.

There are three eligibles on the list in this district, one a colored boy under 21 years of age whom, I am told, is not eligible to appointment as traveling deputy collector because he is under 21 years of age. The other two are school-teachers whom I have no doubt have contracts for teaching school during the next year already subsisting, and would probably refuse to take a temporary appointment, even if I were required by section 5 above named to appoint them, which I do not understand I am. I have written to each of them to let me know at once whether they would be willing to do so, and will probably hear from them within a few days. In the meantime the business of the district is suffering and will continue to suffer because of these vacancies. I have written the Treasury Department for information and advice, but have not yet received an answer. I am somewhat timid about doing anything on my own responsibility, and the only source of information seems to be the rules, of which I have such fragmentary parts as appear in your thirteenth report.

If it is possible, I would like to have a complete set of rules applying to the interna-revenue service, so I could study them and post myself, or if they are all contained in the thirteenth report a statement to that effect will be sufficient. I do not find on file in the office anything which will aid me in any way. If the old collector had any such information, he carried it away with him and seems to have no knowledge with regard to the matter whatever. The board of examiners seem likewise to be without information and very little disposed to impart it if they had, one of them being out of office and filing a protest claiming that I removed him, which I did not, and the other seeming to be a good clever man but not having very much information on the subject. My understanding is that John B. Mecklenborg, who was the chief deputy under the former collector, has filed in your office a protest against his removal by me and has also filed with me a demand in writing to

know why he was removed by me, and if on account of politics only, to so state. I have not removed Mr. Mecklenborg from that office or in fact anyone in this district. The law, if I understand the ruling of the Treasury Department, and I was also advised to the same effect by the revenue agent, Seawell, who transferred the office, removed all the appointees of the former collector, and all of them were out of office when I came in.

I then appointed a chief deputy or cashier, under the late order of July 27, as I had a right to do, and also two stamp deputies, one at Portsmouth and the other at Columbus. By the advice of the Treasury agent I continued in office the two other deputy collectors at Springfield, although I was doubtful where I had power to do so, and am yet. My opinion now is that they were not eligible, except to temporary appointment in an emergency, and the understanding was that if for any reason I had no power to appoint them they would resign, as I did not want to remove anyone and wanted their successors appointed in accordance with the civil-service rules, which I feared in making these appointments I was violating. This was done with the full knowledge and consent of the revenue agent; and, in fact, he said he would refuse to turn the office over to me unless I did so, because he did not think that there was force enough there, without this was done, to run the office for a single day.

I appointed Col. Robert C. Brown traveling deputy for the division, whose headquarters are at Coshocton. When his appointment reached him he was sick in bed, and I am informed that he may remain sick for some time. How is this place to be filled during his sickness? There is not a traveling deputy in the district that I can send there to perform the duties.

I have not removed him and he has not resigned, and yet it is absolutely necessary to have some one to perform the duties. Is this such an emergency as is spoken of in section 5 above referred to? If so, can I appoint a person who is not now in the service for thirty days under this section to perform his duties? The situation I am now in I have not a single traveling deputy in the district, and it is important that I make some appointments at once.

Please let me hear from you on these matters as I am anxious to have a full force selected according to law and the rules of your Commission.

Yours, truly,

JOHN C. ENTREKIN,
Collector Eleventh District of Ohio.

CIVIL SERVICE COMMISSION,
Washington, D. C.

(Indorsed:) Copy. Chillicothe, Ohio, August 21, 1897. John C. Entrekin. Relative to two vacancies as traveling deputy in his district.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE.
Washington, D. C., September 18, 1897.

SIR: Please report to this office at once the names of the deputies of your predecessor whom you have declined or failed to reappoint, the manner in which the vacancies thus caused have been filled by you, whether by the reinstatement of persons eligible under Civil-Service Rule IX, or by selection from the eligible lists furnished by the Civil Service Commission; or, in the absence of such lists, by emergency appointments under section 12 of Civil-Service Rule VIII, and whether,

in the latter case, eligible lists have been furnished you since making the emergency appointments; and if so, what action you have taken to secure appointments from said lists?

This information is not required in case of positions excepted from competitive examination under Civil-Service Rule VI.

Very respectfully,

G. W. WILSON,
Acting Commissioner.

JOHN C. ENTREKIN, Esq.,
Collector Eleventh District, Springfield, Ohio.

(Indorsed:) Copy. Treasury Department, Office Internal Revenue, September 18, 1897. G. W. Wilson, Acting Commissioner. Requesting that J. C. Entrekin report names of deputies he declined or failed to reappoint. Springfield, Ohio.

INTERNAL-REVENUE SERVICE,
ELEVENTH DISTRICT OF OHIO, COLLECTOR'S OFFICE,
Chillicothe, Ohio, September 23, 1897.

SIR: In answer to your inquiry of September 18, 1897, I reply I have failed to appoint J. B. McKlenborg, Jos. S. Gold, Charles A. Lamberson, and John McNamara, each of whom held the office of deputy collector under my predecessor. I have not declined to appoint them, but simply failed to appoint them. Mr. J. B. McKlenborg was filling the office of deputy collector in the main office at Springfield, and his place was filled by Capt. A. F. Kendall, of Portsmouth, who had for many years been deputy collector of this district, and who was removed by my predecessor for political reasons.

Jos. S. Gold, Charles A. Lamberson, and John McNamara were the three division deputies, and I have not yet filled their places except by reappointing each of them under the emergency clause of section 12 of rule 8. I have appointed them each for a month at a time, and they are now on their second appointment. At the time I made the appointments there was, in fact, no eligible list. There were three persons nominally on the eligible list, as I understood it. Two of them, however, were outside of my district, leaving but a single man, Mr. John O. Griffith, really eligible, and I had already notified the Department that I desired to fill the vacancy in the Columbus division from the eligible list, and was waiting a certification at the time I made my second appointment on the 14th day of September. Within a day or two after, I received what I suppose was intended to be a certification, but I am in doubt whether it is a legal certification. It was dated on September 14, 1897, signed by the Acting Commissioner, and states that the United States Civil Service Commission has certified the following-named persons as eligibles, to wit: Harry M. Wood, of Morrow County; George E. Neutze, of Coshocton County, and John W. Millette, of Hancock County.

It states that the general average of Wood is 92.30; of Neutze is 90.35, and Millette is 84.10. If this certification was correct and legal, I would select Millette, because from what I learn of him he is much the best man; but I am satisfied that it is not legal. First, because Hancock County is not in my district; second, because Millette is not entitled to certification, his general average being only 84.10, while the list in my office shows that John O. Griffith, of Beatty, Ohio, has a standing of 86.75; so that I take it that no list has yet been legally certified to me for selection. How the Civil Service Commission could

have made this error I can not understand, because the list is perfectly plain and contains a very few names. In view of the fact that the Columbus division in which this vacancy is now being filled is the most important one in this district, and in view of the fact that, since I made a report of the vacancy to the Department Mr. John W. Lewis, a soldier of the late war, who had formerly held the office of traveling deputy in this district and who was a first-class deputy in every respect and who was removed by my predecessor for political reasons, has made an application for reinstatement, I desire to ask for his reinstatement as an eligible for appointment as deputy collector in this district and to appoint him to this vacancy, as I feel sure that the appointment of any inexperienced person as deputy collector in the Columbus division will be very unsatisfactory, and that the service there for some months will be necessarily very inefficient.

I have delayed asking to have the vacancy in the Coshocton subdivision filled from the eligible list, hoping that Col. Robert C. Brown, whom I had originally appointed and who could not take the place on account of being very sick, would recover; but this does not seem probable now, and I desire to have the vacancy there filled from the eligible list.

I desire also to state that at the time that Samuel E. McMillen ceased to be collector of this district his son, Samuel E. McMillen, jr., was a deputy collector under a probationary appointment under the civil-service rule—a matter which I did not know at the time, not having had access to the record. I supposed he was a full-fledged deputy collector, like the others, and reappointed him along with James L. Cushman, the other deputy collector in the main office, they both agreeing in advance to resign and placing their written resignations in my hands to be accepted by me rather than have appointments made from the eligible list, and I feeling that they would be much more capable to conduct the affairs of the office than would be any eligibles that could be appointed, and I not knowing at the time that I could make emergency appointments from month to month until places could be regularly filled. I did this under the advice of the United States agent, Sewall, who made the transfer, and he stating that unless it was done he would refuse to turn over the office to me, as he said I would not be capable to run it without some skilled assistants.

Did I have any right to appoint Mr. McMillen? I have been doubtful about it as to whether he was eligible for appointment. His probationary term had come to an end by virtue of the removal of the collector who appointed him. He had never been a deputy collector, so as to entitle him to be reappointed under rule 9, because his probationary period had not yet expired at the time he was removed by act of law; but these are matters that I suppose the Department is better posted about than I am, and will know really what the decisions are upon the question, if there are any. Can I appoint a person who is eligible to reinstatement without the same being certified first by the Civil Service Commission? My understanding was that I could when I appointed Captain Kendall, having personal knowledge of all the facts.

Very truly, yours,

JOHN C. ENTREKIN,
Collector Internal Revenue, Eleventh District of Ohio.

The honorable COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C.

(Indorsed:) Copy. Chillicothe, Ohio, September 23, 1897. John C. Entrekin, collector. Appointment of deputy collectors.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., November 1, 1897.

SIR: The report of changes received from the collector of internal revenue at Springfield, Ohio, for the month of September shows the temporary appointment of John McNamara, Joseph S. Gold, and Charles H. Lamberson to the positions of deputy collectors "to succed themselves, their temporary appointments of thirty days having expired."

Before taking action upon this report, the commission will be pleased to receive the Department's statement as to the exact status of the persons referred to. It is not understood what the collector's statement, "to succeed themselves, their temporary appointments of thirty days having expired," means.

These appointments were not reported to this office, nor was any authority obtained for making any temporary appointments in the Springfield district. Had the three temporary appointments been requested in August, they would have been approved, for the reason that the register was insufficient for such a part of ninety days as would enable the commission to provide a register from which certification could be made. On September 10, however, the register at Springfield was replenished with several names, and the temporary appointments could not, therefore, under the rules, be continued beyond that date.

If the records of the Treasury Department show that the three persons referred to were appointed under the provisions of section 12 of Rule VIII, the commission requests, in view of the fact that there is an ample register, that their services be discontinued and that the vacancies thus created be filled as the result of selection from certifications issued from the eligible register.

Action upon the collector's report will be deferred pending a reply to this communication.

Very respectfully, JOHN R. PROCTER,
President.

The honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Copy. U. S. Civil Service Commission, Washington, D. C., November 1, 1897. John R. Procter, president. Report of changes rec'd from coll'r of int. rev. at Springfield, Ohio. Temporary appt. of John McNamara et al.

Copy. Treasury Department, Office of the Secretary, Division of Appointments, November 22, 1897. Respectfully referred to the Commissioner of Internal Revenue, with the request that collectors be notified that until otherwise ordered existing rules relative to appointments of deputy collectors must be complied with. You will please furnish a report in this case. L. J. Gage, Secretary.

CHILLICOTHE, OHIO, *November 18, 1897.*

DEAR SIR: I have made two appointments of traveling deputies in my district to take the place of two of the traveling deputies of my predecessor, whose terms, as I understand, expired by the expiration of the collector's term of office—that is, by his removal. They are still claiming to be in office and attempting to perform the duties, while the persons whom I have appointed by reinstatement (they having been formerly employed and also honorably discharged soldiers) are also performing the duties and are recognized by me as the legal traveling deputies. Now, in case it should hereafter be held by the Supreme Court of the United States that the old deputies are still in,

my appointees would receive no pay, as I understand it; while, if the law is as the Secretary of the Treasury has ruled, that deputies go out with the expiration of the term of the collector who appointed them, then the deputies of my predecessor claiming to act would get no pay.

I see, however, that Judge Jackson has decided that the old deputies are entitled to receive their salaries. I suppose this must have been an action against the collector to compel him to pay their salaries, and it looks to me as though the collector might be in the position of having paid the wrong person and eventually lose the amount so paid, and I do not believe it will be good policy to pay any further sums to anybody until this matter is decided, where there is a controversy over who is entitled to the office, and it seems to me that some action ought to be taken by the President to take this class of offices out from under the civil service until Congress acts in the matter, as the present situation is going to very seriously interfere with the proper operation of this office and that of the other collectors all over the United States, in my opinion. As it is now, nobody is doing anything. The old officers are pretending to act and the new officers are trying to act, and necessarily, of course, they are in each other's way and much can not be expected of either. As to the third traveling deputy, whose headquarters are at McArthur, I have taken no action whatever. He refuses to vacate his office, and I have already asked your office for a certification of eligibles to fill a vacancy in one of the other divisions without having received any reply, and I took it that the Civil Service Commission had concluded not to take any further steps until this matter had been decided, which, I think, is a pretty wise conclusion.

I do not think it would be good policy to take some young man from his business and put him in one of these positions claimed by one of the old traveling deputies, and possibly have the United States Supreme Court decide, after he had served six months, that he should not receive any pay therefor, and if I had paid him that I would lose the amount that I had paid and take the chances of collecting it back off of him. It seems to me the whole matter is getting in a tangle, and that the whole business had better be stopped right where it is by an order of the President until Congress can act on it, and let the matter be where it was prior to President Cleveland's order. Unless some indemnification is given to the collectors, I do not see how they can afford to pay out any further salaries where there is a dispute as to who is entitled to them, and I do not see how the honorable Secretary of the Treasury or yourself can make any order which will be of any binding effect in law or which will afford the indemnification and protection to the collectors which is required to save them from loss.

I would like to ask if you can offer any solution of this question, and also what shall be done in the case of the third traveling deputy, who refuses to vacate and whose successor has not yet been appointed. I have not, of course, removed anyone, or attempted to, but have proceeded upon the construction made by the Secretary of the Treasury and yourself, as Commissioner, that the former deputies went out of office with the collector who appointed them.

Very truly, yours,

JOHN C. ENTREKIN,
Collector Eleventh District of Ohio.

Honorable COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C.

(Indorsed:) Copy. Chillicothe, Ohio, November 18, 1897. John C. Entrekin, collector. As to the appointment of deputy collectors.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., November 23, 1897.

SIR: In reply to your letter of the 18th instant, relative to vacancies in your force resulting from your failure to reappoint the deputies of your predecessor, and the attempts of some of the ex-deputies to perform the duties of deputies in the territory in which they were formerly employed, you are advised that if any of the ex deputies referred to attempt to exercise the duties of that office you will proceed under the law, sections 5448 and 5448a, and swear out warrants against them for personating an internal-revenue officer, and have them arrested, and held to bail before a United States commissioner, and report the cases to the United States district attorney, for such lawful disposition as may be made of them.

As indicated in circular of this date, all vacancies must, until further orders, be filled under existing civil-service rules.

Very respectfully,

G. W. WILSON,
Acting Commissioner.

JOHN C. ENTREKIN, Esq.,
Collector Eleventh District, Chillicothe, Ohio.

(Indorsed:) Copy. Treasury Department, Office Internal Revenue, November 23, 1897. G. W. Wilson, Acting Commissioner. Relative to vacancies in 11th district, Ohio.

INTERNAL-REVENUE SERVICE,
ELEVENTH DISTRICT OF OHIO, COLLECTOR'S OFFICE,
Chillicothe, Ohio, December 28, 1897.

GENTLEMEN: In answer to your letter of December 23, in reference to the examining board for this district, I have the honor to say that I received your letter of date of September 2, and on the 24th of September I wrote you a letter, of which the following is a copy, and I do not understand why you have not received it.

CHILLICOTHE, OHIO, *September 24, 1897.*

GENTLEMEN: I received a letter from you some days ago asking that arrangements be made by which a joint board of examiners could be had with the post-office. At that time the office was at Springfield, but I was expecting to have an order to remove it to Chillicothe, which I have just had. Since then there has been an examination at Springfield in which two of the examiners of the post-office board there assisted the one examiner which still remains on my board, and the examination was not a success, in my opinion. The member of my board was partially deaf, and, therefore, was not of much value as an examiner, and the two members of the post-office board had charge of the examination and they seemed to know nothing whatever about it. I don't think either of them had ever had anything to do with that kind of an examination.

In giving out the spelling the class was unable to hear all the words pronounced, and the excuse given from time to time by them was that it was an entirely different examination from what the post-office employees were required to take, and the result was continual delay for consultation to see what to do next. It would be more satisfactory to me to have a board in my district, as I am acquainted with the examiners here in the post-office and know that they have not a common school education, except the lady on the board, and she, I think, did not go through our high school. I think when I get my vacancies all filled that I can then arrange for a board here that will be at least respectable, and not the laughing stock of the applicants for examination, as was that one at Springfield.

Very truly, yours,

JOHN C. ENTREKIN,
Collector Eleventh District of Ohio.

CIVIL SERVICE COMMISSION,
Washington, D. C.

The statements in my letter are correct, and as the examinations have been delayed I think it is better to wait for a few weeks to see whether a board can not be organized in this district which will be satisfactory. The giving out of the spelling properly seems to be the most important thing in connection with the examination, as all the balance of the examination is conducted really from Washington, and certainly someone can be found who can properly pronounce the words and in a tone of voice loud enough to be heard by the class. I will be pleased to hear from you further about this matter, and will endeavor to carry out such suggestions as you make.

Very truly, yours,

JOHN C. ENTREKIN,
Collector Eleventh District of Ohio.

The CIVIL SERVICE COMMISSION,
Washington, D. C.

INTERNAL-REVENUE SERVICE,
ELEVENTH DISTRICT OF OHIO, COLLECTOR'S OFFICE,
Chillicothe, Ohio, December 28, 1897.

SIR: I have the honor to inclose to you a letter to the Civil Service Commission in answer to one received by me direct from the president of the commission, dated December 23, 1897, which explains itself.

Very truly, yours,

JOHN C. ENTREKIN,
Collector Eleventh District of Ohio.

Hon. COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C.

(Indorsed:) Copy. Chillicothe, Ohio, December 28, 1897. J. C. Entrekin, collector. Letter of Civil Service Commission as to board of examiners.

TWENTY-THIRD DISTRICT OF PENNSYLVANIA.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., November 4, 1897.

SIR: The commission has the honor to invite the Department's attention to certain information contained in the report of its representative who recently visited Pittsburg, Pa., for the purpose of making an investigation of alleged violations of the civil-service rules in the Pittsburg, Pa., internal-revenue district. It appears from the examiner's report that during the short incumbency of Collector Fruit he had asked for the resignations of Deputies George K. Bochert, J. R. McMichael, and Martin F. Howley, each of whom, it appears, was the occupant of a nonexcepted position. Collector Fruit made the following statement in regard to these requests for resignations in the presence of the Commission's examiner and a trustworthy witness:

> On September 14 Deputies Bochert, McMichael, and Bond Clerk Howley were individually called into my office and their resignations were verbally requested; no charges were preferred and no explanation offered as to why the request for their resignations were made, nor did I give them any intimation of my intention to request such resignation.

One of the deputies, Mr. McMichael, tendered his resignation. Deputy Collector Bochert and Bond Clerk Howley failed to hand in their resignations, and on or about September 23 charges were filed against them looking to their discharge.

A copy of the charges was furnished to each of the men and a copy forwarded to the Secretary of the Treasury.

The charge against Bond Clerk Howley, in substance, is political activity, made by one Tim O'Leary, a Democratic politician.

The charge against Deputy Collector Bochert, preferred by Wheelock, a special deputy of the Treasury Department, is insubordination and failure to render proper assistance.

It will be seen from the interview with the collector, as stated above, that the requests for resignations were made on September 14; that two of the men, Bochert and Howley, failed to resign, and that the charges which are now preferred against them were not made until September 23, nearly ten days after the requests for their resignations were made. This in itself shows that the intent of the collector was to procure the resignations of the three men, presumably for political reasons, but certainly in violation of the order of the President of July 27, and the provisions of circular 480, issued by the Commissioner of Internal Revenue in pursuance of that order.

Deputy McMichael having tendered his resignation in accordance with the request of the collector, no charges were preferred against him; but Deputy Bochert and Bond Clerk Howley refused to hand in their resignations, and therefore ten days later charges were preferred against them.

There is nothing to show that at the time of requesting the resignations the collector was aware of any circumstances upon which to base charges. The charges appear to be of a trivial character. They are vague and indefinite, especially in the case of Bochert, and it is not believed that they conform to the requirements of circular 122, issued by your Department on August 11, and circular 480, issued by the Commissioner of Internal Revenue, in that they do not contain specifications detailing fully and explicitly any dereliction of duty or delinquency or misconduct.

It would appear that the collector, failing in his effort to secure voluntary resignations, resorted to this method of procuring the dismissals of the deputies.

The three persons referred to—McMichael, Bochert, and Howley—were still in the service at the time of the investigation, but it appears that both Bochert and Howley, who refused to tender resignations, have since been removed from the service.

As regards the case of Mr. Bochert, the commission has to state that in his letter of October 8, addressed to the commission, he alleges that on September 14 the collector requested him to hand in his resignation because he was a Democrat, and for that reason only. Mr. Bochert further alleges that the collector told him that his conduct of the office was satisfactory. It is shown in the collector's statement to the commission's representative that the charge against Deputy Collector Bochert was preferred by Mr. Wheelock, a special deputy of the Treasury Department. It appears that this same special deputy has expressed himself as being of the opinion that the rest of the Democrats in the collector's office at Pittsburg would have to go. In the Pittsburg Times of October 6, 1897, George W. Wheelock, a special agent of the internal-revenue service, while on an official investigation at Pittsburg, is quoted, in discussing the removals anticipated by the incoming collector of that city, as predicting removals by the new collector. The Times adds:

> Mr. Wheelock is not an admirer of the civil-service law that keeps a man in office when his superior, the collector, who is under very heavy bonds, finds that an employee is not in sympathy with him and in some cases is not to be trusted.

Mr. Wheelock is quoted as saying that it was entirely within the line of probability that some reports he might make would furnish ground for preferring charges should it be necessary to do so in order to get rid of incompetent or careless employees.

Again in the Pittsburg Chronicle-Telegraph of June 29, 1897, D. D. Spaulding, an inspector in the internal-revenue service, with whom Mr. Wheelock filed his charges in the Bochert case, is spoken of sa follows:

Mr. Spaulding, although in the civil service himself, does not believe in the law to an extent that it is being carried out now. He thinks that it is wrong that a collector of internal revenue shall be compelled to give a heavy bond and then not be allowed to select his own employees. "I believe," said he, to a Chronicle-Telegraph man, "that if a collector should have the sand to discharge employees regardless of the law and put in men whom he could trust, he would win his case in the Supreme Court. I do not think the law will hold if tested, for it does not appear to be reasonable."

Mr. Howley, in his letter of October 8, addressed to the commission, alleges that on September 14, 1897, the collector requested him to hand in his resignation because he was a Democrat and because he wanted to appoint a Republican in his place; that when asked whether there were any charges against him, he, the collector, said that he had no fault to find with the performance of his (Howley's) work, and that he had requested the resignation solely for political reasons.

The inference seems irresistible, in view of the report of the commission's examiner, who made the investigation, and of subsequent information, that the collector desired to create vacancies in the positions held by Bochert and Howley, and failing to secure their resignations he preferred charges against them to secure their removals. The examiner reports that the charges are indefinite and trivial, and the commission requests that the Department will inquire into their sufficiency.

Respecting the statements alleged to have been made to the press by Messrs. Wheelock and Spaulding, it should be said that Congress and the President, in the civil-service act and rules, have made it the duty of officers, such as Mr. Wheelock and Mr. Spaulding, to aid in all proper ways in carrying the rules into effect. Instead of this, we find these officers seeking to discredit them and to prejudice public opinion against them and the declared policy of the Secretary of the Treasury.

Very respectfully,

JOHN R. PROCTER, *President.*

The honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Copy. U. S. Civil Service Commission, Washington, D. C., November 4, 1897. John R. Procter, President. Report of investigation of alleged violation of civil-service rules in Pittsburg, Pa., internal-revenue district. Resignation of Geo. K. Bochert et al., deputy collectors.

Copy. Treasury Department, Office of the Secretary, Division of Appointments, November 22, 1897. Respectfully referred to the Commissioner of Internal Revenue, with the request that collectors be notified that, until otherwise ordered, existing rules relative to appointments of deputy collectors must be complied with. You will please furnish a report in this case. L. J. Gage, secretary.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., December 1, 1897.

SIR: Referring to letter of the Civil Service Commission dated the 4th of November, 1897, and referred to this office on the 22d ultimo in

regard to the removal of Deputy Collectors George K. Bochert and Martin F. Howley, of the twenty-third district of Pennsylvania, I have the honor to state that the action of Collector Fruit in these cases was in strict accordance with the terms of Department Circular No. 119, and is believed by this office to have been based on good and sufficient grounds and to have been absolutely necessary for the maintenance of discipline by the collector, to enable him to sustain himself in his proper efforts to administer the affairs of his district in the interest of good service.

It is respectfully suggested that it is hardly the prerogative of the Civil Service Commission to call in question the acts of appointing officers in the removal of their subordinates under authority of law and in accordance with the rules of the President. In August last this office embodied in a circular to collectors the restrictions imposed by the President in Executive order of July 27, 1897, upon the power of removal conferred upon them by section 3148 of the Revised Statutes, and in all cases it requires evidence that the conditions of that order have been complied with before it approves the dismissal of deputy collectors. Having taken that action, this office does not recognize the right of the Civil Service Commission to call for explanations or further action in cases which have been finally settled in accordance with the President's order and the circular referred to.

I submit that when a collector of internal revenue, with the approval of this office, dismisses a deputy on charges which he has had full opportunity to meet, as directed by the President, and has not met satisfactorily, the action taken is not a proper subject of review by the Civil Service Commission. I am also of the opinion that the dismissal of a gauger or storekeeper on charges investigated by the collector in accordance with said circular, examined by this office, and made the ground of a recommendation for such dismissal, is not properly before the commission for criticism or consent.

I venture to submit this opinion in the interest of the service, which can hardly be advanced by the present practice of the commission of granting a hearing to any subordinate dismissed on charges, referring complaints to the Secretary, by whom they are in turn referred to this office for remark, involving a reiteration of the facts in the case, making endless and apparently useless clerical work, and at the same time impairing discipline in the force. The attempt of the commission to review and supervise the administration and discipline of the internal-revenue service entails on this office, as above stated, a burden of unnecessary correspondence which has become a serious obstruction to important routine work. It impairs the efficiency of the force in the field and endangers the collection of the revenues, and is not only a violation of official ethics, but an invasion of the domain of responsibility under the internal-revenue laws, a responsibility imposed upon the Commissioner of Internal Revenue, not upon the Civil Service Commission. An earnest protest is entered against any further encroachment upon the prerogatives of this office in this regard.

Very respectfully,

G. W. WILSON,
Acting Commissioner.

The honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Copy. Treasury Department, Office Internal Revenue, December 1, 1897. G. W. Wilson, Acting Commissioner. Rel. to removal of Deputy Collectors Geo. K. Bochert & Martin F. Howley.

FOURTH DISTRICT OF TEXAS.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., August 26, 1897.

SIR: Collector P. B. Hunt, of the fourth district of Texas, reports to this office that he had occasion to go to the eligible list provided for his district to select deputies, and found that of the four persons registered thereon, one was holding a position which he is not inclined to abandon for the purpose of entering the internal-revenue service; another is a man of such dissipated habits as to unfit him for the duties of the position; another has left the country under a cloud connected with some business transaction, and that the fourth is a stranger to him and that he has not time or opportunity to ascertain his fitness for the place.

This report, taken in connection with other reports recently received as to the unsatisfactory character of eligibles furnished by the Civil Service Commission, induces me to call your attention to the matter with the suggestion that more care should be taken by those responsible as to the moral and physical qualifications of those permitted to enter the examinations.

Notice was recently received from the collector of the eighth district of Kentucky that one of the three names on the eligible list for selection for the position of traveling deputy is that of a man so badly crippled as to be unable to perform the duties required in that position.

Collector Rucker, of the district of Georgia, referred to the eligible list for a man qualified for the duties of fruit-brandy deputy, and found that the man at the head of the register had been dismissed from the postal service for habitual drunkenness. Request has been made on the commission that this man be removed from the eligible register.

Very respectfully,

G. W. WILSON,
Acting Commissioner.

The honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Copy. Treasury Department, Office Internal Revenue, August 26, 1897. G. W. Wilson, Acting Commissioner. Calling attention to unsatisfactory character of eligibles furnished by Civil Service Commission. 4th Texas.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., September 28, 1897.

I return herewith letter addressed to the honorable Secretary of the Treasury on the 20th of August, 1897, and by him referred to this office on the 22d instant, in regard to changes in the force of the collector of internal revenue for the fourth district of Texas, with the advice that emergency appointments made in that district for the purpose of filling vacancies caused by the expiration of commissions of deputies of the predecessor of the present collector were approved by this office for the reason that Collector Hunt reported that of the four eligibles on the register one held a position which he was unwilling to abandon for the deputy collectorship, one was a man of such dissipated habits that he

was unfit to be intrusted with the duties of deputy, a third had left the community under a cloud in connection with some business transaction, and the fourth was a stranger in the community, and the collector had not had time or opportunity to investigate as to his fitness, and was consequently unwilling to become responsible for his acts in the capacity of deputy.

You are further advised that the matter was at once submitted to the honorable Secretary of the Treasury, in office letter of August 26, 1897, calling attention to the unsatisfactory character of the eligibles furnished for the fourth district of Texas and other districts, with the suggestion that more care should be taken by those responsible as to the moral and physical qualifications of candidates admitted to competitive examinations.

In the interest of the revenues this office will be compelled to approve emergency appointments rather than the appointment of persons of dissipated habits or doubtful integrity.

There were three emergency appointments made in the fourth district of Texas, one of which will be made permanent as soon as reinstatement certificate under Rule IX is issued by the Civil Service Commission.

Very respectfully, W. S. FORMAN,
Commissioner.

The UNITED STATES CIVIL SERVICE COMMISSION.

(Indorsed:) Copy. Treasury Department, Office Internal Revenue, September 28, 1897. W. S. Forman, Commissioner. In regard to changes in the force of the collector of internal revenue for the 4th district of Texas.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., November 6, 1897.

SIR: The commission has the honor to acknowledge the receipt of your letter of September 10, transmitting a copy of a letter from G. W. Wilson, Acting Commissioner of Internal Revenue, in which he refers to the unsatisfactory condition of the register of eligibles for the fourth district of Texas, and states that a similar condition exists in other districts. He suggests that more care should be taken as to the moral and physical qualifications of persons permitted to enter the examinations.

In reply the commission calls attention to the fact that two of the eligibles on the register referred to, according to the statement of the Acting Commissioner, do not appear to be objectionable on account of any moral or physical disqualification. In reference to the other two, he asserts that one is a man of dissipated habits, and that the other left the community under a cloud connected with some business transaction. Under the provisions of section 3, Rule V, the commission has ample authority to purge a register of the names of unworthy eligibles, and if evidence is furnished which warrants action the commission will take pleasure in cooperating with collectors or with the Department in eliminating the names of objectionable persons from the register. The commission is quite as anxious as the Department can be to elevate the standard of official life as much as possible, and is ever ready to cooperate in any methods which will have such a result. Applicants are admitted to examination only after furnishing, under oath, their own statements

of moral fitness, corroborated by the certificates of citizens. There is of course always danger that this evidence may be unreliable, but it is within the province of any appointing officer residing in the locality from whence these applicants come to scrutinize their records and furnish the commission with official statements which will disclose the true character of the applicant or eligible.

In reference to physical qualifications, referred to in the Acting Commissioner's letter, if the Department desires to require a medical certificate from applicants the commission will arrange for it.

In the cases cited the commission is not only ready to eliminate unworthy eligibles upon satisfactory proof of their unworthiness, but, if necessary, the register being small, new examinations will be ordered and opportunity will be afforded to collectors to secure the examination of the most worthy applicants whom they may be able to interest in the matter.

Very respectfully, JOHN R. PROCTER,
President.

The honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Copy. U. S. Civil Service Commission, Washington, D. C., November 6, 1897. John R. Procter, president. Register of eligibles, fourth district of Texas.

Treasury Department, Division of Appointments, November 11, 1897. Referred to the Commissioner of Internal Revenue for remarks. L. J. Gage, Secretary.

SECOND DISTRICT OF TENNESSEE.

INTERNAL-REVENUE SERVICE,
SECOND DISTRICT OF TENNESSEE, COLLECTOR'S OFFICE,
Knoxville, Tenn., December 4, 1897.

SIR: I beg to acknowledge receipt of your letter of November 15, 1897, in regard to filling the vacancy of "raiding" or general deputy collector, in this district, and advising me that if I will forward the name of a person whom I regard as fitted for the position, etc., that your office "will request the Civil Service Commission to make an exception to their rules upon the ground that the man named is needed as an expert for the kind of work referred to, and to order a pass examination for him with a view to the issuance of a certificate upon which" I can give him a permanent appointment as deputy.

I would respectfully state that the persons on the list are none of them fitted for the duties which would devolve upon a general deputy. None of them, as I am advised, have ever had any experience in the revenue service. None of them have applied for the position of general deputy collector, and from all information I am able to obtain in regard to these persons eligible for appointment I am decidedly of the opinion that not one of them would serve the purpose of nor be able to perform the duties of a general deputy collector. I would not wish to become responsible for their acts as such, nor would the service be benefited by the appointment of any one of them to this very important position. Total lack of experience and unfitness for the position in every way I respectfully submit as my reasons for not desiring to appoint any of these persons to the position referred to.

I would nominate for appointment as general deputy collector, to fill the vacancy caused by the resignation of Deputy C. M. Taylor, Mr. John B. Altom, of Rogersville, Hawkins County, Tenn. I regard him as peculiarly fitted to perform the duties which are incident to this position. He served for four years in the capacity of storekeeper and gauger in this district, and also for four years as sheriff of Hawkins County, Tenn. He is a man of high standing, well educated, intelligent, and thoroughly reliable. He has, owing to the official duties which he has performed, had a great deal of experience as a detective, and has established a very fine record in this regard. He would be thoroughly capable of performing the arduous duties of raiding deputy, and in view of his past official experience would be better qualified to undertake the work than a person totally unacquainted with the difficulties connected with this branch of the service and the duties incident thereto. It is unnecessary for me to state that the duties of division and general deputy differ widely, and that it requires a man of sound discretion, undoubted courage, perfect physical condition, energetic and trustworthy in every way, to properly perform the duties of raiding deputy to the satisfaction of this office as well as the Department. I can state that Mr. Altom possesses all the qualifications, and I feel certain that his appointment would be of great benefit to the service. I would further state that Mr. Altom took the civil-service examination in this city, in the revenue service, September 18, 1897, but as yet I have not been advised as to the grade obtained by him.

Regarding, as I do, Mr. Altom an expert for the kind of work required, and for the reasons hereinbefore detailed, I would respectfully ask that the Civil Service Commission be at once asked to take action in accordance with the course mentioned in your letter of November 15, with a view of having him placed on duty at the earliest possible moment.

Respectfully, yours,

A. J. TYLER, *Collector.*

Hon. W. S. FORMAN,
Commissioner Internal Revenue, Washington, D. C.

(Indorsed:) Copy. Knoxville, Tennessee, December 4, 1897. A. J. Tyler, collector. Regard to filling the vacancy of raiding or general deputy collector.

NOTE.—See copy of letter to Secretary of the Treasury from Acting Commissioner of Internal Revenue, December 9, 1897, relative to character examination required for raiding deputy, Arkansas papers.

FIFTH DISTRICT OF TENNESSEE.

INTERNAL-REVENUE SERVICE,
FIFTH DISTRICT OF TENNESSEE, COLLECTOR'S OFFICE,
Nashville, Tenn., July 31, 1897.

SIR: I have this day transferred you to the position of division deputy collector for the sixth division of this the fifth collection district of Tennessee, vice Deputy Collector Milton B. Hurt, who is transferred to this office to the position of bookkeeper.

Respectfully,

FRANK P. BOND, *Collector.*

DANIEL BOND, Esq., *Nashville, Tenn.*

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., August 3, 1897.

SIR: Referring to the temporary appointment on the 16th instant of Hiram C. Bradford as fruit-brandy deputy in your district, you are advised that a certificate has this day been received from the United States Civil Service Commission to the effect that Mr. Bradford is eligible for that position. You may therefore issue a regular appointment to him for the time for which his services are required, reporting your action to this office.

Very respectfully, G. W. WILSON,
Acting Commissioner.

DAVID A. NUNN, Esq.,
Collector Fifth District, Nashville, Tenn.

(Indorsed:) Copy. Treasury Department, Office Internal Revenue, August 3, 1897. G. W. Wilson, Acting Commissioner. Rel. to appointment of Hiram C. Bradford as fruit-brandy deputy, 5th district, Tenn.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., August 3, 1897.

SIR: Revenue Agent Ferguson has this day advised this office by telegram that you have appointed Mr. Goodson as fruit-brandy deputy in place of Hiram C. Bradford. It is regretted that you took this action without consulting this office.

The records show that Mr. Bradford was selected from the eligible list and appointed temporarily as deputy on the 16th ultimo, pending issuance of certificate by the Civil Service Commission, requisition for which was made by this office on the 22d instant. As stated in office letter of this date, Mr. Bradford has been certified as an eligible for that place, and having received his appointment as the result of a competitive examination his dismissal would seem a violation of the spirit, at least, of Civil-Service Rule II, as recently amended by the President, notwithstanding the fact that the appointment under the civil-service certificate had not been consummated at the time you took that action.

It is hoped that the small amount of patronage there is in cases of this kind will not induce collectors to involve this office in controversies about the matter.

While it is only fair to state that where patronage may properly be given out without violation of the civil-service rules and regulations, it is understood and expected that it will be done in the interest of the Republican party. Wherever the places to be made vacant and filled are subject to competitive examination under said rules, it is expected that collectors will observe the regulations governing the subject with the same fidelity that they exercise in the enforcement of the internal-revenue laws.

Very respectfully, G. W. WILSON,
Acting Commissioner.

D. A. NUNN, Esq.,
Collector Fifth District, Nashville, Tenn.

(Indorsed:) Copy. Treasury Department, Office Internal Revenue, August 3, 1897. G. W. Wilson, Acting Commissioner. Rel. to appointment of Mr. Goodson as fruit deputy in place of Hiram C. Bradford.

INTERNAL-REVENUE SERVICE,
FIFTH DISTRICT OF TENNESSEE, COLLECTOR'S OFFICE,
Nashville, Tenn., August 3, 1897.

SIR: I have this day been handed by my predecessor the inclosed letter. This letter was written to-day with a view to secure the transfer of Mr. Daniel Bond from this office to an assignment as division deputy. I have been requested to ratify this act, but I have declined for the following reasons:

First: I have construed the President's order with reference to exceptions from the classified service in the collector's force to exclude all division deputies.

The order exempts deputy collectors in charge of stamp (or branch) offices. This seems to me to exempt all deputies who collect taxes, and thereby incur a pecuniary liability to the collector and for which the collector is responsible. Now, division deputies are an important branch of this office with certain defined territory and a headquarters therein, and they collect considerable taxes. All warrants for taxes assessed are sent them for collection, and it seems to me that they are deputy collectors in charge of a branch office.

Second. As I understand the law, the commission of all the deputies appointed by my predecessor expired with his own, and in consequence thereof when I assumed charge there were vacancies in all these places, which it was my duty as collector to fill either by the reappointment of the old deputies or by the appointment of others. In accordance with these views, I have been engaged in the selection of new deputies in all the divisions, a full list of which will be forwarded you shortly.

I have preferred and do prefer, in all cases when I have a direct pecuniary responsibility for the actions of my appointees, to select only men in whom I can repose my personal confidence.

If my views of my rights and powers under the law and regulations are finally overruled and I am compelled to accept the force of division deputies as appointed by my predecessor, I would be glad to know if I could make the order of transfer as requested by my predecessor in his inclosed letter.

Respectfully, yours, D. A. NUNN,
Collector.

Hon. W. S. FORMAN,
Commissioner of Internal Revenue, Washington, D. C.

(Indorsed:) Copy. Nashville, Tennessee, August 3, 1897. D. A. Nunn, collector. Relative to appointment of division deputies.

[Telegram.]

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., August 5, 1897.

DAVID A. NUNN,
Collector, Nashville, Tenn.:

No one can act as deputy collector in your district without written authority from you. You should either recommission deputies of your predecessor or appoint from eligible list, or in absence of eligible list reinstate soldiers, or appoint competent persons for temporary service

not to exceed ninety days, reporting your action to this office. Division deputies not included in President's exemptions.

G. W. WILSON,
Acting Commissioner.

Official business. Government rates. Charge Treasury Department.

(Indorsed:) Copy. Treasury Department, Office Internal Revenue, August 5, 1897. G. W. Wilson, Acting Commissioner. Recommission deputies of predecessor or appoint from eligible list, or in absence of eligible list reinstate soldiers.

INTERNAL-REVENUE SERVICE,
FIFTH DISTRICT OF TENNESSEE, COLLECTOR'S OFFICE,
Nashville, Tenn., August 5, 1897.

SIR: Your two letters of August 3 received. I will this day, in accordance with the instructions therein contained, commission Hiram C. Bradford as a special deputy collector.

I have no desire to "involve your office in controversies" with reference to the appointment of my subordinates, and will not knowingly do so. I have, however, a responsibility and a duty to perform, and in trying to discharge this duty I am at times placed in a position where I must act on my own judgment. I tried by inquiring at your office before I left Washington to inform myself as to the wishes of the Department, and received scant information on the subject. When I took charge of this office I was confronted with the situation, as I understood it, of finding the district with no deputy collectors. Section 3148, Revised Statutes, authorizes the collector to appoint his deputies and revoke their commissions, and makes him responsible for the actions of his deputies. Under a similar section Judge Barr, of the United States district court at Louisville, had just held that all deputy marshals' commissions expired with that of the marshal who appointed them.

I was thus forced to either reappoint the old deputies or appoint new ones. If these offices were all vacant, I did not understand the civil-service rules to require me to reappoint the old force. Nor do I understand the civil-service rules to go to the extent of lengthening the tenure of any person beyond the time fixed by law. I know enough of the force of division deputies employed by my predecessor to say emphatically that there are several of them that I would not employ about my private affairs, and I most certainly would object seriously to having any obligation fixed upon me or my sureties for their actions. There were some of the force that I did not have the same objections to, and at once commissioned them until such time as I could get a full understanding of the situation and the wishes of your office. One of the special deputies, viz, Mr. J. W. Lightfoot, in my opinion is not a proper or fit person for this place. He was for some years a deputy for this (the Nashville) division, and from all I can learn made an inefficient officer. I have not recommissioned him, but have not attempted to appoint anyone in his place. I await your instructions as to him, but enter an earnest protest against continuing him in the service. Mr. Rutledge, the general deputy collector, I understand is an efficient officer, and I have given him a commission.

Trusting that the appointment of these division deputies may be accorded to me as provided by the Revised Statutes, I am,

Yours, respectfully,

D. A. NUNN, *Collector.*

Hon. GEO. W. WILSON,
Deputy Commissioner of Internal Revenue,
Washington, D. C.

(Indorsed:) Copy. Nashville, Tennessee, August 5, 1897. D. A. Nunn, collector. Appointment of deputies in division, &c.

INTERNAL-REVENUE SERVICE,
FIFTH DISTRICT OF TENNESSEE, COLLECTOR'S OFFICE,
Nashville, Tenn., August 16, 1897.

SIR: Since taking charge of this office I have been beset with difficulties, not the least of which is a spirit of insubordination among the old employees of my predecessor, aided and abetted by Mr. F. P. Bond, the late collector, and Mr. Wayne Ferguson, the revenue agent in charge of this district.

Each and every one of the revenue force believed that in some way, owing to the operations of the civil-service regulations, they held by a tenure superior to that of the collector, and were under no obligations to respect his wishes or obey his orders. For a few days after the transfer the conditions resulting from this state of affairs were so intolerable that I was on the point of making a hurried trip to your city to consult and advise with you in reference thereto, but on the receipt of yourtelegram stating that no one had authority to act in this district without bearing my commission, I desisted from this intention, believing that the employees would yield to the authority of your office. This, to a considerable measure, the force in this office did. It is, however, their evident belief that their tenure is beyond my power, and to that extent they feel independent of my authority.

The late collector, using the revenue agent's office for a number of days, wrote to all his old deputies advising them to resist any and all attempts on my part to change them, or appoint others, and to decline to recognize my authority so to do. He found a ready and willing helper in this course in Revenue Agent Ferguson, and I am informed and believe that the agent's telegram to you in reference to the appointment of Goodson, vice Bradford, was inspired and at least partially written by the late collector. This telegram was sent by the agent without any consultation with me, or without attempting to learn my intentions.

Some of the old division deputies refuse and decline to turn over Government property now in their possession. They hold distraint warrants issued and signed by the late collector and decline and refuse to return same to this office.

Revenue Agent Ferguson to-day notified my office that he declined to recognize my appointees.

Now, I submit to your candid judgment what kind of service can be expected when the employees of a collector are disloyal to him, or at best yield him only a half-hearted service? And as to Revenue Agent Ferguson, I submit that his capacity for usefulness (if he ever pos-

sessed same) has been lost in this district, and I respectfully request and urge that he be transferred from this district and that you send me an agent who will at least try and cooperate with the powers that be.

I have disliked very much to write you this letter, and probably would not have done so if I had not been so openly defied by your personal representative here present.

Yours, respectfully, D. A. NUNN,
Collector.

Hon. W. S. FORMAN,
Commissioner of Internal Revenue, Washington, D. C.

(Indorsed:) Copy. Nashville, Tennessee, August 16, 1897. D. A. Nunn, collector. Relative to the conduct of the employees in his office, etc.

[From the Cookeville (Tenn.) Press, August 5, 1897.]

NOW FOR THE FUN.—DEPUTY COLLECTOR CURTIS REFUSES TO GIVE UP THE SHIP.

The following is the correspondence which has passed between Deputy Collector J. H. Curtis, Collector D. A. Nunn, ex-Collector Frank Bond, and J. E. Oliver, who has been appointed in place of Captain Curtis. From which it will be seen that Captain Curtis declines to surrender the office. He contends that he is under the civil-service rules and can not be forced out of office. He says that if it can be shown that he is not the legal deputy collector he will cheerfully step down and out. but until that is done he feels it to be his sworn duty to continue in the discharge of the duties of the office:

NASHVILLE, *July 30, 1897.*

J. H. CURTIS, Esq., *Cookeville, Tenn.*

DEAR SIR: You are hereby directed to turn over to J. E. Oliver, deputy collector, all books, papers, and other property in your hands as former deputy collector of the fifth division, and take his receipt for the same.

D. A. NUNN, *Collector.*

COOKEVILLE, *August 4, 1897.*

Capt. J. H. CURTIS, *City.*

DEAR SIR: I beg leave to inclose herewith an order to you from Collector Nunn. I am ready to relieve you and would be pleased to hear from you, so that I may report the facts by to-day's mail. I would come to see you but am busy this morning.

I am, Captain Curtis, your friend,

J. E. OLIVER.

P. S.—Please return order. J. E. O.

COOKEVILLE, *August 4, 1897.*

Mr. JNO. E. OLIVER, *City.*

DEAR SIR: Your note, together with order from Collector Nunn to turn over to you all books, papers, and other property in my hands as former deputy collector, just received, and in reply would respectfully state that the order made by President Cleveland placing deputy collectors in the classified service having never been revoked, nor civil-service law repealed, I do not think Collector Nunn has the power under the law which he claims to succeed me with another man. Should I be satisfied that the Cleveland order has been revoked by President McKinley, I would cheerfully turn over the office to you, but not being so satisfied, I respectfully decline to do so.

I am, your friend, J. H. CURTIS.

NASHVILLE, *August 2, 1897.*

J. H. CURTIS, *Deputy Collector, Cookeville, Tenn.*

MY DEAR SIR: I understand Collector Nunn has undertaken to commission John Oliver, esq., deputy collector for your division. Under existing law this is not effectual, and in no way affects your right to the position. Hold steady and make no concessions. You are protected by the civil service.

Yours, truly, FRANK P. BOND.

Bond sent similar letters to all of his former deputies.

PRIEST, *Deputy Collector.*

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., August 20, 1897.

SIR: In reply to your letter of the 16th instant, in regard to the action of ex-Collector Bond and Revenue Agent Wayne Ferguson in influencing the deputies of the late collector to attempt to continue to act as such after the expiration of their commissions, you are advised that while the conduct of Mr. Bond is open to criticism it is hardly worth while, and would be of no special benefit to the Government, to give any further attention to it.

Whatever indiscretions have been committed by Mr. Ferguson in this matter, it is presumed they were the result of his two or three years' official association, and possibly his political sympathy, with the late collector.

In regard to the exdeputy collectors who still hold Government property and claim authority, without commissions from you, to act as deputies, you will make demand upon them in the proper way for the return of any Government property they may have, and if they refuse to surrender it, or try in any manner to exercise the authority of deputy collectors of internal revenue, you will proceed against them for personating a revenue officer, as provided in sections 5448 and 5448a, Revised Statutes.

Very respectfully,

G. W. WILSON,
Acting Commissioner.

DAVID A. NUNN, Esq.,
Collector Fifth District, Nashville, Tenn.

(Indorsed:) Copy. Treasury Department, Office Internal Revenue, August 20, 1897. G. W. Wilson, Acting Commissioner. In regard to action of ex-Collector Bond and Rev. Agt. Wayne Ferguson.

SECOND DISTRICT OF VIRGINIA.

INTERNAL-REVENUE SERVICE,
SECOND DISTRICT OF VIRGINIA, COLLECTOR'S OFFICE,
Richmond, Va., September 29, 1897.

SIR: In view of the inclosed newspaper publications, marked respectively, "A No. 1," "A No. 2," "A No. 3," which on their face bear evidence of being authorized, I deem it my duty to make the following report to the Department: The article "A No. 1," from the Richmond State of yesterday, indicates by telegram from Washington that Secretary Doyle, of the Civil Service Commission, had come to Richmond to investigate my action in respect to the appointments of deputies. The publication from the Richmond Dispatch of this morning marked "A No. 2," would indicate that I am publicly reported by Secretary Doyle as having violated the law and civil-service rules, and this also appears from the telegraphic report published in this morning's Washington Post, marked "A No. 3."

About 12 o'clock yesterday a gentleman came into my office and introduced himself as Secretary Doyle, of the Civil Service Commission. I asked him to be seated. Mr. Doyle first questioned me in regard to the civil-service board for the internal-revenue service of this district. I replied to him that whatever was the pleasure of the Civil Service Commission as to the character of this board would be perfectly agreeable to me. We then briefly discussed the question in regard to the

present status of that board, and I understood him to agree with me in the opinion I expressed, that, by reason of the separation from the service of Messrs. Cooke, Denoon, and Enders on the 31st day of August last, the board had ceased to exist. In support of this opinion on my part I invited Mr. Doyle's attention to the following letter from acting president of the Civil Service Commission, William G. Rice, dated September 10, 1897:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., September 10, 1897.

SIR: The commission advises you, in reply to your letter of September 4, in which you state that there are two vacancies on the board of examiners at your office, owing to the separation from the service of Messrs. E. B. Cooke and F. C. Denoon, that the collector will be requested to submit nominations from which selections may be made to fill the vacancies on the board.

Very respectfully, WILLIAM G. RICE,
Acting President.

SECRETARY INTERNAL REVENUE BOARD,
Richmond, Va.

After this letter was brought to his attention, Mr. Doyle appeared to acquiesce in my opinion as to the term of the former board having expired, and stated that, in his judgment, one member on the civil-service board from the internal-revenue service was sufficient, and asked me to suggest a name. I promptly answered and said that if one member only from internal-revenue service was to be on the board I would nominate Mr. John Enders, the former secretary of the board under Collector Ryan, he being a Democrat. I then explained to Mr. Doyle, in view of the fact that heretofore the internal-revenue board of the district was composed of three members, it would be better to have at least two of the board from the internal-revenue service. After hearing my reasons in support of this opinion he concurred with me, and I then sent for Deputy Collector Campbell and introduced him to Mr. Doyle. The understanding we arrived at was that I would be notified by the Civil Service Commission to nominate Messrs. Enders and Campbell as members of this board, which I told Mr. Doyle I would do immediately upon being requested by the Civil Service Commission, or if he desired it to be attended to at once, I would, upon his written request, immediately report their names through your office to the Civil Service Commission. As yet I have not been requested to submit names for said vacancies.

This matter having been apparently satisfactorily disposed of, Mr. Doyle introduced the subject of my appointments of deputies, and I thereupon said to him that every detail of my entire course in that matter had been promptly reported to the Commissioner of Internal Revenue, in accordance with the distinct understanding I had with the Civil Service Commission, during two conferences I had in person at the office of the Civil Service Commission in Washington a few days before I assumed the duties of collector, and further, that this action was taken after consulting the Commissioner of Internal Revenue, and I politely referred Mr. Doyle to you for any information he desired upon this point. Mr. Doyle then asked me why I did not appoint from the civil-service list the names thereon when I took charge of the office. I replied to him that this had also been reported to your office, and my reason was because there were only two names of eligibles on this list,

and I had been advised by the expert to whom I had been referred by the Civil Service Commission that under the law and regulations I had a right to demand three names of eligibles, and as a matter of fact there was no eligible list in this district on the 31st day of August last.

Mr. Doyle then asked me whether the exempted appointees which I made had been subjected to a noncompetitive examination, as required by the President's order. I told him that they had not been, for the reason that I had been recently informed at the office of the Civil Service Commission that the rules for this noncompetitive examination were in course of preparation, and that in the absence of these rules, to be prescribed by the Secretary of the Treasury, I could not make such examination, and further, that under the President's order such examinations, I understood, should be conducted by the Civil Service Commission in accordance with its regulations. Mr. Doyle thereupon expressed his disapproval of the failure of the Secretary of the Treasury to prescribe these rules, to which I replied that that was a matter I had nothing to do with, but that as soon as these rules were sent to me and the order given for the noncompetitive examination, I would promptly comply with the same.

Mr. Doyle next asked me for the names of my appointees, and while we were discussing that question he stated that Mr. Wilson, the Acting Commissioner of Internal Revenue, had failed to furnish him with these names. I thereupon replied that I did not think, in view of this admission, it was my duty to furnish him a list of my appointments, as all of them and every fact connected with their appointment had been promply reported by me to your office, and that I was confident you would promptly furnish to the Civil Service Commission any information it desired in respect to my appointments and my entire action in the premises. In this connection, however, I stated to Mr. Doyle that if he would sit at my desk and address me a communication in writing, I would give it my personal attention and make immediate reply thereto through your office. This he failed to do.

Mr. Doyle further complained that I had not made the request for the certification to the Civil Service Commission to fill the positions made by emergency appointments. I told him that he was mistaken in this, and showed him a copy of my letter to you of September 13, 1897, which letter, as well as my other communications to you on the subject, I informed Mr. Doyle I understood had been read by President John R. Procter of the Civil Service Commission. Mr. Doyle contended that it was my duty as collector to make requisition here upon the Civil Service Board for the list of eligibles when appointments had to be made. I told him that this must be another mistake on his part, because I had been instructed to make requisition through your office for appointments from the eligible list, and in proof of this I referred to the forms for that purpose which were prepared by the Civil Service Commission and used in your office in making requests for certifications.

I next showed Mr. Doyle the organization of the district, kept on my desk, which contains the entire list of all the employees of the district. He turned to the list of gaugers, nine in number, and asked how many of them had been removed. I replied to him that under the law gaugers were appointed and commissioned by the Secretary of the Treasury and executed bond to the United States, and that none of them had been removed, or could be removed, by me under existing laws and regulations. This information seemed to surprise Mr. Doyle, and I trust I may be pardoned for saying that Mr. Doyle's (the secretary of the Civil Service Commission) apparent unfamiliarity with

the law and regulations in this and in other matters disclosed in this letter was a very great surprise to me.

I would not do Mr. Doyle or any other gentleman injustice in any matter, but unless I do misjudge him the evident purpose of his call upon me seemed to be to get some information that would enable him to make report not so much against myself as against the Secretary of the Treasury and the Commissioner of Internal Revenue in approving my action in the matter of my appointments. I am not aware of having violated any law or civil-service rule, and, as is well known to you, I have in every particular consulted with the Department officials in respect to appointments made in this district, and my entire action has met with the approval of my superior officers.

This being the fact, I most earnestly protest against Mr. Doyle, the secretary of the Civil Service Commission, having improperly and wrongfully reported me in the newspapers as a violator of the law and the civil-service rules. Such action on his part, representing as he does the Civil Service Commission and should set an example of observing all the requirements of official courtesy, I submit, brings the service into disrepute, and I respectfully appeal to you and to the honorable Secretary of the Treasury to protect my good name from such an unwarranted assault.

I ask that a copy of this letter be sent to the Civil Service Commission. I also request that if the Civil Service Commission has charges of any kind to prefer against me that I be furnished a copy of the same through your office, the designated channel for official communication with my office, and that I be granted an opportunity to see and answer them.

I feel that this much is due to me as a matter of simple justice, and I do most emphatically object to being falsely charged and convicted before the country of violations of law and regulations upon statements evidently furnished by the secretary of the Civil Service Commission.

Respectfully,

JAS. D. BRADY, *Collector.*

The honorable the COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C.

(Indorsed:) Copy. Richmond, Va., September 29, 1897. Jas. D. Brady, collector. Report in regard to the visit of Mr. Doyle, of the Civil Service Commission, to this office.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., October 1, 1897.

SIR: At the request of Mr. James D. Brady, collector of internal revenue for the second district of Virginia, I inclose herewith for transmittal to the Civil Service Commission copy of his letter to this office of the 29th ultimo, with newspaper clippings inclosed therein, relative to statements made to the press by the secretary of the Civil Service Commission during a recent visit made by him to that district in his official capacity.

In view of the agreement had by the Acting Secretary of the Treasury, Civil Service Commissioner Harlow, Chief Examiner Serven, and the Acting Commissioner of Internal Revenue that Collector Brady's contention as to his right under the law to appoint and remove his dep-

uties should be referred to the Attorney-General and the matter held in abeyance pending announcement of his opinion, this office regards Mr. Doyle's course—if correctly represented by the press—as affording just ground for the collector's complaint.

Very respectfully, W. S. FORMAN,
Commissioner.

To the honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Copy. Treasury Department, Office Internal Revenue, October 1, 1897. W. S. Forman, Commissioner. Statements made to press by Civil Service Commission. Complaint of coll. 2d dist., Virginia.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., September 20, 1897.

SIR: I have the honor to inclose herewith letter from Collector James D. Brady, of the Second district of Virginia, setting forth his protest against any modification or limitation of the power vested in him as collector by section 3148 of the Revised Statutes with respect to the appointment and removal of his deputies.

This is a matter of so much importance in the administration of the internal-revenue laws and the proper transaction of the business of this Bureau, that I request that it be referred to the honorable, the Attorney-General, with the request that he advise your Department, for the benefit of this Bureau, what the law is on the following points:

Does the act of January 16, 1883, providing for the establishment of a Civil Service Commission, by implication or otherwise repeal sections 3148 and 3149 of the Revised Statutes, or any part thereof? If these sections have not been repealed or modified, is there now any legal limitation upon the power of the collector either to remove or to appoint his deputies?

In view of the fact that section 3148 makes the collector responsible upon his official bond, both to the United States and to individuals, for the acts and defaults of his deputies, to be appointed in the manner prescribed by said section, the clear intent of which is to leave their selection wholly to the collector, can the bond be held responsible for the acts and defaults of deputies appointed in a manner not prescribed or contemplated by that section and in a manner which eliminates the collector's power of selection by restricting him in each case to the names of three persons or less, all of whom may be wholly unknown to him?

In view of the specific provisions of section 3149, limiting the term during which a deputy collector shall have authority to act as such to the period covered by the bond of the collector from whom he holds his commission, is it not the meaning of the law that when a new collector enters upon duty the deputies of his predecessor are entirely and absolutely without authority to perform any of the functions of deputy collectors unless reappointed by the incoming collector by an instrument of writing under his hand?

And in view of the further fact that this section provides that in case of a vacancy in the office of collector the bond of the outgoing collector shall be held for the acts and defaults of the deputies of such outgoing collector until his successor is appointed (and qualified), can the bond of the new collector be held for the acts and defaults of said

deputies of his predecessor unless they are reappointed by the new collector by an instrument of writing under his hand?

Very respectfully,

G. W. WILSON,
Acting Commissioner.

The honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Treasury Department, Office Internal Revenue, September 20, 1897. Hon. George W. Wilson, Acting Commissioner. Enclosing letter from collector of internal revenue, 2nd dist. Virginia, relative to his authority under the law to appoint and remove his deputies, with request that same be submitted to the Attorney-General for his opinion on certain points of law therein involved.

INTERNAL-REVENUE SERVICE,
SECOND DISTRICT OF VIRGINIA, COLLECTOR'S OFFICE,
Richmond, Va., September 13, 1897.

SIR: In obedience to instructions contained in your letter, "L. S. R.," dated 2d instant, I have the honor to request that requisitions be made upon the United States Civil Service Commission for proper certifications of eligibles for the positions of deputy collectors of internal revenue in the places of the following temporary appointments, made for emergency, which action was approved by your office and the honorable Secretary of the Treasury, as advised by your said letter dated 2d instant.

The names, positions, and salary per annum of said deputy collectors, temporary appointees, were duly reported by me to your office in statement showing the organization of the district, Form 204, revised, from September 1, 1897, and are as follows, viz:

Benjamin Taylor McCue, deputy collector	$1,100
Asa Rogers, jr., deputy collector	1,100
Edward Thompson, deputy collector	1,000
Thomas F. Meany, deputy collector	900
Joseph W. Southward, deputy collector	1,000
Traveling expenses	500
Robert O. Deyer, deputy collector	1,000
Traveling expenses	500
Benjamin S. Hooper, deputy collector	1,000
Traveling expenses	500
Josephus Trader, deputy collector	900
Traveling expenses	500
Charles Gee, special deputy collector (for three months)	1,500
Traveling expenses	720

In submitting this communication I ask that particular attention be given to the fact that I have made the request for certification of the eligibles in obedience to instructions contained in your said letter, and in thus complying with the orders of my superior in office I deem it as my duty to the Government, to the Treasury Department, and to myself as collector, and to the surety upon my official bond, to take due and proper precaution by most respectfully filing this objection and protest against any modification of limitation of the power and duty vested in me by law as collector in respect to the appointments of deputies and the power to revoke the appointment of any such deputy. Under the plain mandate of the law which I think is now in force, I am "in every respect responsible both to the United States and to individuals, as the case may be, for all moneys collected, and for every act done or neglected to be done, by any of his (my) deputies while acting as such." (Section 3148, United States Revised Statutes.)

This power is derived from the act of Congress and can not be limited or modified, in my opinion, unless section 3148 is repealed by Congress. Any subsequent legislation in conflict with section 3148, and which does not repeal section 3148, is, I submit, null and void, for the reason that Congress could never have intended to pass any law in conflict with existing law without repealing the previous act and reenacting the subsequent law or modification thereof.

I beg leave to assure the Department that I do not submit my construction of the law upon this question in any spirit of captiousness. I believe it to be too important a matter—involving as it may the interests of the Government, as it relates to the appointments of deputy collectors and the responsibility on the official bonds both of collectors and the bonds of deputies—to be decided without the most careful consideration.

It is my solemn and sworn duty as collector to observe and maintain the integrity of the laws and to see them properly executed, and I feel that the responsibility rests upon me in the discharge of duty to administer the law honestly and fearlessly.

I am not aware of any opinion having been rendered by the law officers of the Department upon the questions submitted in this communication, and if there has been any such given, or decision of the court, I respectfully request to be advised of the same.

As I stated in person to you and to the honorable Secretary of the Treasury during my recent conferences upon the subject, my action in the matter of these appointments will in the future, as it has been in the past, be prompt and strictly in conformity to the views of the Department.

Respectfully,

JAS. D. BRADY,
Collector.

The honorable the COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C.

(Indorsed:) Copy. Richmond, Virginia, September 13, 1897. Jas. D. Brady, collector. Requesting requisition from Civil Service Commission for eligibles in place of temporary appointments, and asking for construction of the law bearing upon the subject.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., September 4, 1897.

SIR: I have the honor to inclose herewith copy of letter received from Mr. James D. Brady, collector of internal revenue for the second district of Virginia, dated September 3, 1897, in regard to his action in respect to appointments of subordinates, which he requests to have forwarded to the United States Civil Service Commission.

Very respectfully,

G. W. WILSON,
Acting Commissioner.

To the honorable the SECRETARY OF THE TREASURY.

(Indorsed:) Copy. Treasury Department, Office Internal Revenue, September 4, 1897. G. W. Wilson, Acting Commissioner. Enc. letter in regard to action of J. D. Brady, collector, in respect to appointments of subordinates.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., September 4, 1897.

SIR: In reply to your letter of the 3d instant in regard to the organization of your force of deputy collectors, you are advised that your action is entirely satisfactory to this office, and the line on which you have proceeded is in conformity with the verbal instructions given you, as stated in your report.

The honorable Secretary of the Treasury has been fully advised of all the facts in the premises, and approves. A copy of your letter has been forwarded to the United States Civil Service Commission.

As soon as an eligible list is furnished your district you will please make requisition through this office for the necessary certifications, in order that the vacancies now filled by temporary appointments may be filled from the lists, in accordance with the civil-service rules.

Please forward the names of the ex-soldiers reinstated by you, so that requisition may be made at once upon the Civil Service Commission for reinstatement certificates. A brief statement of the military record and former service as deputy collector of each should be forwarded with your letter.

Very respectfully, G. W. WILSON,
Acting Commissioner.

JAMES D. BRADY, Esq.,
Collector Second District, Richmond, Va.

(Indorsed:) Copy. Treasury Department, Office Internal Revenue, September 4, 1897. G. W. Wilson, Acting Commissioner. In regard to organization of force of deputy collectors.

INTERNAL REVENUE SERVICE,
SECOND DISTRICT OF VIRGINIA, COLLECTOR'S OFFICE,
Richmond, Va., September 3, 1897.

SIR: Pending my report on Form 204, which I will forward in a few days, I have the honor to inform the Department of my action in respect to the appointments made upon my assuming the duties of collector of this district on 1st instant.

First. As authorized by the President's recent order amending the civil-service rules, I made the following appointments, viz: Chief deputy, one deputy in the Richmond office, where the number of employees is four; one deputy at Petersburg, and one deputy at Norfolk, both places being stamp (or branch) offices.

Second. Under the provision of Rule 14, civil-service rules, I reinstated two former deputy collectors, both of whom were in the military service of the United States in the late war of the rebellion, and were honorably discharged therefrom, each of these worthy veterans being qualified in every respect, physically and mentally, to perform the duties of their respective positions.

Third. After the foregoing appointments and reinstatements were made, I called upon the secretary of the civil-service board here to furnish me with a list of eligibles for appointments in the internal-revenue office of this district, and I was notified in writing by him that there were only two names on said list. Under the civil-service law and regulations, as I was recently advised by the official to whom I was

referred during my recent call in person at the office of the Civil Service Commission in Washington, D. C., I was authorized to demand that a list of eligibles containing three names be furnished me, which demand the board here was unable to comply with. The two names on the list were further defective, because the grade does not appear thereon, and I was given to understand that each of the persons whose names are on said list had made application for appointment as United States gaugers.

Fourth. There being no such list of eligibles as the law directs furnished me, I made all other appointments in the district under the provision of section 12, Rule VIII of the civil-service rules, and was careful to notify in writing each of said appointees of his "temporary appointment for emergency."

In thus making my appointments, I believe that I have strictly observed the law and civil service regulations, and that I have carried out the views of the Department as expressed to me in person upon two different occasions during my consultations held with Hon. George W. Wilson, Acting Commissioner of Internal Revenue, a few days prior to my taking charge of the office. I made this special report because of the howl over my appointments by the partisan Democratic newspapers of Virginia and by the leading free-silver spoilsmen. I feel confident that I have not only acted in this matter according to law, and, as an evidence of my desire to carry out the spirit of the civil-service regulations, I have appointed four of Collector Ryan's former employees, viz: Deputy Collectors Talbott, Enders, Dashiell, and McHugh. It is a fact that I have not made a single removal from office. Those who were in office in this internal revenue district before the 1st day of September, 1897, were commissioned by and bonded to my predecessor, and their terms of office expired when Collector Ryan went out of office, the law, in my judgment, being clear and explicit upon this point.

I respectfully request that a copy of this letter be furnished to the Civil Service Commission, and if my action in the premises is not approved I desire to be fully advised of the objections thereto.

Respectfully,

JAS. D. BRADY, *Collector.*

Hon. WILLIAM S. FORMAN,
Commissioner Internal Revenue, Washington, D. C.

(Indorsed:) Copy. Richmond, Virginia, September 3, 1897. Jas. D. Brady, collector. Relative to appointments under civil-service regulations.

A modification of the civil-service rules, by which all deputy collectors of internal revenue shall be excepted from the requirements of examination and registration, and the collectors of the several districts shall select and appoint them subject only to the restrictions involved in the recommendation of the Commissioner of Internal Revenue and the approval of the Secretary of the Treasury required by the law providing for their compensation, is recommended in the interest of a more prompt and satisfactory transaction of the public business and because the classification of deputy collectors is in apparent conflict with the spirit and purpose of the law creating that position.

Section 3148, Revised Statutes, provides that each collector of internal revenue shall be authorized to appoint his deputies by an instrument

of writing under his own hand; that he shall have power to revoke the appointment of any such deputy; that he shall have power to require and accept bonds or other securities from any deputy; that each such deputy shall have like authority in every respect to collect taxes levied or assessed within the portion of the district assigned to him which is by law vested in the collector himself, but that each collector shall, in every respect, be responsible both to the United States and to individuals, as the case may be, for all moneys collected and for every act done or neglected to be done by any of his deputies while acting as such. Section 3149 provides that in case of a vacancy occurring in the office of collector the deputies of such collector shall continue to act until his successor is appointed.

The explicit bestowal on the collector of an unqualified power of removing his deputies and the limitation of the deputy's term of office to the period covered by the official bond of the collector by whom he is appointed show the deliberate purpose of Congress to fix upon each collector the responsibility for the collection of the revenues of his district and to protect him by placing the appointment of officers assisting in that work wholly within the scope of his personal selection.

The question arises whether a law so clearly and definitely expressed, and the purpose of which is so apparent, can be annulled by an executive rule, and whether, in view of the magnitude of the Government interests involved in the collection of the revenues, it is in the interest of the service that the law should be modified in any degree, even if it can be so modified by the rules of the Civil Service Commission.

The law seems to be in conflict with the rules as at present revised in regard to the tenure of office of a deputy collector. Rule II, section 3, declares that no one in the executive civil service shall dismiss, or cause to be dismissed, or make any attempt to procure the dismissal of * * * any other person therein because of his political or religious opinions or affiliations.

Without raising any question as to the power of the commission to prove a violation of this rule, or to apply the penalty fixed in section 1 of Rule II, attention is called to the fact that section 3149, above quoted, fixes a term of office for a deputy collector, as under that section he can not perform the duties of deputy after the appointment and qualification of a successor to the collector from whom he held his commission, unless reappointed by the new collector. There is no provision of law compelling a collector to issue commissions to the deputies of his predecessor in office.

The legal status of deputy collectors of internal revenue, as indicated by the statutes quoted, is wholly analogous to that of deputy United States marshals, which has recently been defined in extenso in a letter of Hon. R. B. Bowler, Comptroller of the Treasury, addressed to the disbursing clerk of the Department of Justice in the case of Deputy United States Marshal John E. Foley, in the district of Indiana. Mr. Foley continued to perform the duties of deputy after the United States marshal who appointed him had been succeeded by Mr. Kercheval, but as there was no evidence that he had been reappointed by the latter and had executed a new oath of office as such deputy, his pay was disallowed from the date when the new marshal succeeded to the office.

Mr. Bowler cites statutes authorizing "every United States marshal to appoint his deputies;" requiring deputy marshals "to take the same oath as the marshal;" requiring the marshal "to give bond for the faithful performance of the duties of his office by himself and his deputies," and providing that "in case of the death of any marshal his deputy

or deputies shall continue in office, unless otherwise specially removed, until another marshal is appointed and duly qualified," basing thereon his decision that the term of office of a deputy of a United States marshal terminates with the appointment and qualification of a successor to the marshal who appointed him.

He also holds that the change in the law by which the compensation of deputies comes directly from the Treasury of the United States, and not from the marshal, as theretofore, and the number to be employed as well as the salaries to be paid is now fixed by the Attorney-General, does not change the status of the deputy as regards tenure.

In regard to the effect of the classification of deputy marshals under the civil-service rules under the orders of the President, he states that the fact, in his opinion, in no way affects the question. He states as follows:

> The act itself (civil-service act) relates only to the manner in which officers and employees shall get into the classified civil service, and there is nothing therein from which it can be implied that the extension of the classified civil service to any office or employment is to extend the term provided by law for any officers or employees so classified.

The case seems to be identical with that of deputy collectors, even to the change in the law which now gives the Commissioner of Internal Revenue and the Secretary of the Treasury control as to the number of these officers to be employed and the salaries to be paid, within the limits fixed by the appropriation act.

It is evident that the protective feature which the President sought to embody in the civil-service rules, sections 1 and 3 of Rule II, is not effective in an office which has a term fixed by law, and that persons who have taken the competitive examination and secured appointments thereby as deputy collectors of internal revenue have no redress if a new collector refuses to reappoint them.

Aside from the above reasons for excepting deputy collectors from the provisions of the civil-service rules, it is submitted that the majority of these employees are engaged—not on desk or clerical duty, but in service fitness for which can not be determined by a scholastic test. For the performance of the duties of a deputy collector, including the collection of taxes, making seizures of property, raiding illicit distilleries, etc., discretion, energy, promptness of decision, and courage are required. It is hardly necessary to say that the examination papers submitted with the certificates of the three eligibles, from whom the appointing officer is permitted to choose, afford no clue to the comparative merits of the candidates in these personal qualities.

So far as the practical side of the question is concerned, it is believed that the principle of personal selection, contemplated by law, is the correct one in this service, but in order to protect the service against the appointment of incompetent persons it is suggested that all those thus selected by the collector, before receiving appointments, shall be subjected to a noncompetitive examination before the local board of civil-service examiners for the internal-revenue service, and that for admission to such noncompetitive examination they shall be required to reach the same standard of mental, moral, and physical fitness for the duties of the position now required for admission to competitive examinations under the civil-service rules.

(Indorsed:) Reasons for modifying civil-service rules as to appointment of deputy collectors internal revenue. Filed in Attorney-General's Office in Brady Case.

Section 3148, Revised Statutes, does not, as stated in the commission's brief, page 26, prescribe the duties of deputy collectors. It says that "each such deputy shall have like authority in every respect to collect the taxes levied or assessed within the portion of the district assigned to him which is by law vested in the collector himself." It thus affirms the power of the collector to deputize, and to prescribe the duties of his deputies, and emphasizes the authentic character of the commissions issued by him. The purpose of this provision is made plain by the provisions relating to the responsibility of the collector on his bond for the acts and defaults of his deputies. It was clearly the intent of the law to give the collector such freedom in the selection of his deputies that he could not make a valid claim for relief from pecuniary loss sustained by himself or his bondsmen through the defaults of such deputies. The framers of this law evidently did not regard the passage of acts for the relief of collectors from responsibility for the acts and defaults of their deputies as a wise or economical mode of collecting the revenues, and they took pains to fix the status of deputy collectors, and the responsibility for their selection, in such a manner as to reduce such bills of relief to a minimum.

The clause empowering the collector to require bonds of his subordinates is purely for the benefit of the collector, to enable him to recover from his deputy any money which, under the obligation of his own bond (which is given to the United States), he is obliged to surrender from his private funds to the Government to make good the defaults of his deputies.

Neither is it true, as stated on the same page of the commission's brief, that section 1753, Revised Statutes, and the civil-service act, prescribe the manner in which selection for appointment of deputy collectors of internal revenue shall be made. Section 1753 empowers the President to make regulations for the admission of persons into the civil service as may best promote the efficiency thereof. It contains no reference to deputy collectors of internal revenue, nor any clause repealing sections of law inconsistent therewith. Any regulations made thereunder by a President may be revoked by him or his successor, or may fall into abeyance as did those made by President Grant. Such regulations have the force of law while they are enforced by the Executive. They have not the life of the law itself. The same is true of the present civil service act. It contains no reference to the internal-revenue service. It contains no clause repealing acts or parts of acts inconsistent therewith. Therefore the application of the competitive system to the appointment of deputy collectors of internal revenue is not prescribed by law and exists at this day by virtue of an executive order, the legality of which, so far as it restricts the appointing power of collectors, is the very question now raised by Collector Brady.

It would seem that this question is really a question whether the Executive can, under the Constitution, repeal one law by issuing a rule under another law which does not itself directly or by implication repeal the former law.

In the Wood's Case, Chief Justice Cox, of the supreme court of the District of Columbia, simply ruled out of court all rules and regulations under the civil service act, and recognized only the act itself as binding on the court in determining the question at issue.

The fact that this office has complied with the rules of the Executive in calling for certification of eligibles and submitting such lists of eligibles to the collector for his selection does not commit the Commissioner of Internal Revenue to an approval or disapproval of the competitive system as applied to the internal revenue service.

An officer in the executive branch of the Government conforms to the rules of the President so long as their legality has not been formally tested. The question of legality in this matter has now been raised by the proper officer, namely, a collector of internal revenue, who believes his rights, under section 3148, Revised Statutes, to have been assailed by President Cleveland's order.

Many unconstitutional laws and the regulations predicated thereon are administered by executive officers without question so long as their unconstitutionality has not been declared by the proper tribunal, but when some party interested appealsto the Supreme Court and secures its decree as to the unconstitutionality of the law, the same executive officers promptly reverse the practice of the office or bureau, and the unconstitutional law is no longer enforced.

The Internal Revenue Bureau, for instance, administered the income-tax law up to the day it was declared unconstitutional. When it was so declared, all orders and regulations thereunder were at once revoked and collectors notified by telegraph.

Therefore the reference to the action of this office in obeying the regulations now under consideration would seem wholly irrelevant.

The Internal Revenue Bureau has never questioned the right of collectors of internal revenue to appoint and remove their deputies. On the contrary, for thirty years it has upheld that right in every instance, as can be shown by hundreds of letters, press-copy files, and has abstained from any act by which it would seem to encroach on the prerogative of the collector in this matter. The collector is in no sense of the word a nominating officer as regards his deputies. The personnel of the force under the law depends on him alone. The total number and expense for each district was brought within the direction of the Commissioner and the Secretary nearly twenty years ago, when the collectors ceased to receive commissions and pay their subordinates therefrom, a necessary provision to secure economy in expense after the abolition of the commission system.

In a paraphrase of the language of section 3148 the commission's brief says (page 17): "We find that the collector cannot revoke the appointment of his deputy except that he gives such notice thereof as the Commissioner of Internal Revenue may prescribe."

The law itself says, "and the collector shall have power to revoke the appointment of any such deputy, giving such notice thereof as the Commissioner of Internal Revenue may prescribe." The commission's brief seems to regard this as a notice to the deputy. Such is not the language of the statute, nor has it ever been the practice of this office. The only notice required by the Commissioner is a report from the collector of every dismissal made by him after it is made and without giving his reasons therefor. An affirmative act on the part of the Commissioner of Internal Revenue is not a condition of the dismissal.

The collector is required every year to report on Form 204 the organization of his force of deputies as it stands July 1, and to report by letter every change made during the year. This information is required purely for purposes of record in the Bureau. Every new collector when he enters on duty is obliged to report on said Form 204 the names of all deputies reappointed by him and such new deputies as he may appoint in place of those not reappointed. These reports are entered in a record containing columns for "Date of original appointment" and date of "Appointment by present collector" in each case.

If in any case the collector forwards to the Commissioner of Internal Revenue the oaths of office of his deputies, they are returned to him, with the advice that the collector, being the appointing officer, is the

proper custodian of the official oaths of such appointees. It is therefore not true, as stated in the commission's brief (page 38), that deputies serve through successive administrations without reappointment by the new collector.

The above has been the uniform practice with reference to the prerogative of collectors under section 3148, Revised Statutes, and also with reference to the rights of this office under the clause of said section requiring collectors to give such notice of dismissals "as the Commissioner of Internal Revenue may prescribe," and would therefore seem to have established and fixed by regulations the rights of the collectors and of this office under the section referred to.

In connection with above memoranda as to practice of this office see blank Form 204, herewith inclosed, also copy of letter to the United States Civil Service Commission of December 11, 1896.

(Indorsed:) Memorandum as to argument of Civil Service Commission in regard to classification of deputy collectors, and protest of collector Second Virginia against restrictions in their selection. Filed in Attorney-General's office in Brady Case.

55TH CONGRESS, 2d Session. | SENATE. | DOCUMENT No. 59.

BERING SEA AWARDS.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A REPORT FROM THE SECRETARY OF STATE IN REGARD TO THE AWARD OF THE COMMISSIONERS APPOINTED PURSUANT TO THE STIPULATIONS OF THE CONVENTION OF FEBRUARY 8, 1896, BETWEEN THE UNITED STATES AND GREAT BRITAIN, PROVIDING FOR THE SETTLEMENT OF THE CLAIMS PRESENTED BY THE LATTER AGAINST THE FORMER IN VIRTUE OF THE CONVENTION OF FEBRUARY 29, 1892.

JANUARY 14, 1898.—Read, referred to the Committee on Appropriations, and ordered to be printed.

To the Congress of the United States:

I transmit herewith a report from the Secretary of State in regard to the award of the Commissioners appointed pursuant to the stipulations of the convention of February 8, 1896, between the United States and Great Britain, providing for the settlement of the claims presented by the latter against the former in virtue of the convention of February 29, 1892.

The report of the Secretary of State presents a clear epitome of the award and renders unnecessary any extended observations on my part, further than to say that I cordially coincide with his recommendation and that our treaty obligations demand prompt and favorable action by Congress, which I urgently hope may be taken, to the end that these long-pending questions may be finally and satisfactorily terminated.

The total amount necessary to satisfy the award of the commissioners is $473,151.26, which I recommend be appropriated.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, January 14, 1898.

The PRESIDENT:

A convention between the United States and Great Britain was concluded in this city on February 8, 1896, providing for the settlement of claims presented by Great Britain against the United States in virtue

of the convention of February 29, 1892. I transmit herewith for greater convenience a copy of the convention of February 8, 1896, Article I of which reads as follows:

The high contracting parties agree that all claims on account of injuries sustained by persons in whose behalf Great Britain is entitled to claim compensation from the United States and arising by virtue of the treaty aforesaid, the award and the findings of the said tribunal of arbitration, as also the additional claims specified in the 5th paragraph of the preamble hereto, shall be referred to two commissioners, one of whom shall be appointed by the President of the United States and the other by Her Britannic Majesty, and each of whom shall be learned in the law. Appended to this convention is a list of the claims intended to be referred.

In virtue of this provision the President appointed the Hon. William L. Putnam, of Maine, the commissioner of the United States.

After determining where the meetings of the commission shall take place (see Article II), the convention (Article III) provides as follows:

The said commissioners shall determine the liability of the United States, if any, in respect of each claim and assess the amount of compensation, if any, to be paid on account thereof—so far as they shall be able to agree thereon—and their decision shall be accepted by the two Governments as final.

They shall be authorized to hear and examine, on oath or affirmation, which each of said commissioners is hereby empowered to administer or receive, every question of fact not found by the Tribunal of Arbitration, and to receive all suitable authentic testimony concerning the same; and the Government of the United States shall have the right to raise the question of its liability before the commissioners in any case where it shall be proved that the vessel was wholly or in part the actual property of a citizen of the United States.

The said commission, when sitting at San Francisco or Victoria, shall have and exercise all such powers for the procurement or enforcement of testimony as may hereafter be provided by appropriate legislation.

It also provides in Article V that in the cases, if any, in which the commissioners shall fail to agree, they shall transmit to each Government a joint report stating in detail the points on which they differ and the grounds on which their opinions have been formed; and any such difference shall be referred for final adjustment to an umpire "to be appointed by the two Governments jointly, or in case of disagreement, to be nominated by the President of the Swiss Confederation."

With this brief explanatory statement, I now transmit a copy of the report or award of the commissioners, Mr. Putnam, and Mr. George E. King, the commissioner appointed by Her Britannic Majesty. It is dated December 17, 1897.

I have made an extract from the award, which will show at a glance the name of the vessel, the principal, interest, and total sum awarded, and the same thing with reference to the personal claims. It reads as follows:

	Principal.	Interest.	Total.
Name of vessel:			
Carolina	$13,341.72	$9,020.71	$22,362.43
Thornton	13,521.10	9,142.53	22,663.63
Onward	9,376.00	6,339.74	15,715.74
Favourite	3,202.00	2,165.08	5,367.08
W. P. Sayward	12,537.50	7,725.22	20,262.72
Anna Beck	21,692.50	13,366.19	35,058.69
Alfred Adams	10,124,00	6,238.07	16,362.07
Grace	26,213.50	16,125.67	42,339.17
Dolphin	31,484.00	19,399.38	50,883.38
Ada	20,902.69	12,880.01	33,782.70
Triumph	1,750.00	1,078.29	2,828.29
Juanita	11,493.00	5,702.44	17,195.44
Pathfinder	13,796.00	6,845.12	20,641.12
Triumph	15,450.00	7,665.77	23,115.77
Black Diamond	15,173.00	7,528.32	22,701.32
Lily	11,739.00	5,832.48	17,571.48

	Principal.	Interest.	Total.
Name of vessel—Continued.			
Ariel	$4,950.00	$2,456.03	$7,406.03
Kate	3,050.00	1,513.31	4,563.31
Minnie	8,460.00	4,197.57	12,657.57
Pathfinder	800.00	370.67	1,170.67
Winnifred	3,283.05	1,061.52	4,344.57
Henrietta	9,599.85	2,421.19	12,021.04
Oscar and Hattie	2,250.00	715.05	2,965.05
	264,188.91	149,790.36	413,979.27
Personal claims:			
Daniel Munroe	3,000.00	2,028.50	5,028.50
John Margotich	2,500.00	1,690.42	4,190.42
Hans Guttormsen	3,000.00	2,028.50	5,028.50
Harry Norman	2,500.00	1,690.42	4,190.42
James Ogilvie	3,000.00	2,028.50	5,028.50
James Blake	2,500.00	1,690.42	4,190.42
James D. Warren	2,000.00	1,232.33	3,232.33
John Reilly	1,500.00	924.25	2,424.25
George P. Fesey	2,000.00	1,232.33	3,232.33
A. B. Laing	1,500.00	924.25	2,424.25
Louis Olsen	2,000.00	1,232.33	3,232.33
Michael Keefe	1,500.00	924.25	2,424.25
W. Petit	2,000.00	1,232.33	3,232.33
C. A. Lundberg	1,000.00	616.17	1,616.17
Total	294,188.91	169,265.36	463,454.27

It will be perceived that the commissioners say in their report, under the head of personal claims:

Her Majesty also presented for our consideration the following claims, that is to say: In behalf of the *Black Diamond*, warried by the collector at Unalaska, on July 1, 1886, and also on behalf of James Gaudin, master of the *Ada*, as to each of which we determine and award that we have no jurisdiction, and we dismiss the same.

Subsequently the commissioners recommend in regard to these two claims as follows:

Respecting the claims mentioned in the award of the commissioners as having been presented on behalf of Great Britain and dismissed as not being within our jurisdiction, namely, the claims of the *Black Diamond*, arising in the year 1886, and the personal claim of James Gaudin, the commissioners, in pursuance of the communication to them from the Secretary of State for the United States and Her Britannic Majesty's ambassador at Washington, dated at Washington, January 26, 1897, and appearing in the protocol of February 2, 1897, beg to report as follows:

We find that damages were sustained by the owners, master, officers, and crew of the *Black Diamond* in connection with the notice given by the collector of customs at Unalaska on July 1, 1886, to the amount of five thousand dollars ($5,000), with interest at the rate of 6 per cent per annum from September 10, A. D. 1887.

And as to the personal claims of James Gaudin, master of the *Ada* in 1887, we report that the amount of damages sustained by him was one thousand dollars ($1,000), with interest at the rate of 6 per cent per annum from September 10, 1887.

A copy of the communication of the then Secretary of State and the British ambassador, referred to by the commissioners, is appended hereto.

I am of opinion that the amount of damages assessed by the commissioners respecting the last-named claims should be included in the sum appropriated by Congress to satisfy the award under the convention of February 8, 1896. This Government would then be enabled to reach an agreement with that of Great Britain for the final discharge of the claims in question.

The amount to satisfy the claims of the *Black Diamond* is as follows: $8,080.83, being the principal ($5,000) and interest ($3,080.83) at 6 per cent per annum from September 10, 1887, to December 17, 1897. The amount to liquidate the personal claim of James Gaudin, master of the *Ada*, is as follows: $1,616.16, being principal ($1,000) and interest

($616.16) at the rate of 6 per cent per annum from September 10, 1887, to December 17, 1897.

Including these claims, the total sum necessary to be appropriated to satisfy the award would be $473,151.26.

Should you coincide with my views, I respectfully recommend that this report and a copy of the award of the Commissioners be promptly laid before Congress with an urgent request for early and favorable consideration.

Upon this subject Article VIII of the convention of 1896 says:

> The amount awarded to Great Britain under this convention on account of any claimant shall be paid by the Government of the United States to the Government of Her Britannic Majesty within six months after the amount thereof shall have been finally ascertained.

Respectfully submitted.

JOHN SHERMAN.

Convention between the United States and Great Britain for the settlement of claims presented by Great Britain against the United States in virtue of the convention of February 29, 1892.

[Concluded February 8, 1896; ratification advised by the Senate, with amendments, April 15, 1896; ratified by the President April 23, 1896; ratified by Her Britannic Majesty May 14, 1896; ratifications exchanged June 3, 1896; proclaimed June 11, 1896.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, a Convention between the Governments of the United States of America and Great Britain, providing for the settlement of claims presented by Great Britain against the United States in virtue of the Convention of February 29, 1892, between the same High Contracting Parties, was concluded and signed by their respective Plenipotentiaries at the City of Washington, on the eighth day of February, 1896, which Convention, being in the English language, and as amended by the Senate of the United States, is word for word as follows:

Whereas by a Treaty between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, signed at Washington on February 29, 1892, the questions which had arisen between their respective Governments concerning the jurisdictional rights of the United States in the waters of Behring Sea, and concerning also the preservation of the fur-seal in, or habitually resorting to, the said Sea, and the rights of the citizens and subjects of either country as regards the taking of fur-seal in, or habitually resorting to, the said waters, were submitted to a Tribunal of Arbitation as therein constituted;

And whereas the High Contracting Parties having found themselves unable to agree upon a reference which should include the question of the liability of each for the injuries alleged to have been sustained by the other, or by its citizens, in connection with the claims presented and urged by it, did, by Article VIII of the said Treaty, agree that either party might submit to the Arbitrators any questions of fact involved in said claims and ask for a finding thereon, the question of the liability of either Government on the facts found to be the subject of further negotiation;

And whereas the Agent of Great Britain did, in accordance with the provisions of said Article VIII, submit to the Tribunal of Arbitration certain findings of fact which were agreed to as proved by the Agent of the United States, and the Arbitrators did unanimously find the facts so set forth to be true, as appears by the Award of the Tribunal rendered on the 15th day of August, 1893;

And whereas in view of the said findings of fact and of the decision of the Tribunal of Arbitration concerning the jurisdictional rights of the United States in Behring Sea and the right of protection or property of the United States in the fur-seals frequenting the islands of the United States in Behring Sea, the Government of the United States is desirous that in so far as its liability is not already fixed and determined by the findings of fact and the decision of said Tribunal of Arbitration, the question of such liability should be definitely and fully settled and determined, and compensation made, for any injuries for which, in the contemplation of the Treaty aforesaid, and the award and findings of the Tribunal of Arbitration compensation may be due to Great Britain from the United States;

And whereas it is claimed by Great Britain, though not admitted by the United States, that prior to the said award certain other claims against the United States accrued in favor of Great Britain on account of seizures of or interference with the following named British sealing vessels,—to wit, the "Wanderer," the "Winifred," the "Henrietta" and the "Oscar and Hattie," and it is for the mutual interest and convenience of both the High Contracting Parties that the liability of the United States, if any, and the amount of compensation to be paid, if any, in respect of such claims and each of them should also be determined under the provisions of this Convention—all claims by Great Britain under Article V of the Modus Vivendi of April 18, 1892 for the abstention from fishing of British sealers during the pendency of said arbitration having been definitely waived before the Tribunal of Arbitration:

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, to the end of concluding a Convention for that purpose, have appointed as their respective Plenipotentiaries:

The President of the United States, the Honorable Richard Olney, Secretary of State; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Sir Julian Pauncefote, G. C. B., G. C. M. G., Her Majesty's Ambassador Extraordinary and Plenipotentiary to the United States;

Who, after having communicated to each other their respective full powers, which were found in due and proper form, have agreed to and concluded the following Articles:

ARTICLE I.

The High Contracting Parties agree that all claims on account of injuries sustained by persons in whose behalf Great Britain is entitled to claim compensation from the United States and arising by virtue of the Treaty aforesaid, the award and the findings of the said Tribunal of Arbitration, as also the additional claims specified in the 5th paragraph of the preamble hereto, shall be referred to two Commissioners, one of whom shall be appointed by the President of the United States, and the other by Her Britannic Majesty, and each of whom shall be learned in the law. Appended to this Convention is a list of the claims intended to be referred.

ARTICLE II.

The two Commissioners shall meet at Victoria, in the Province of British Columbia, Canada, as soon as practicable after the exchange of the ratifications of this Convention, and, after taking an oath that they will fairly and impartially investigate the claims referred to them and render a just decision thereon, they shall proceed jointly to the discharge of their duties.

The Commission shall also sit at San Francisco, California, as well as Victoria, provided either Commissioner shall so request if he shall be of opinion that the interests of justice shall so require, for reasons to be recorded on the minutes.

ARTICLE III.

The said Commissioners shall determine the liability of the United States, if any, in respect of each claim and assess the amount of compensation, if any, to be paid on account thereof—so far as they shall be able to agree thereon—and their decision shall be accepted by the two Governments as final.

They shall be authorized to hear and examine, on oath or affirmation, which each of said Commissioners is hereby empowered to administer or receive, every question of fact not found by the Tribunal of Arbitration, and to receive all suitable authentic testimony concerning the same; and the Government of the United States shall have the right to raise the question of its liability before the Commissioners in any case where it shall be proved that the vessel was wholly or in part the actual property of a citizen of the United States.

The said Commission, when sitting at San Francisco or Victoria, shall have and exercise all such powers for the procurement or enforcement of testimony as may hereafter be provided by appropriate legislation.

ARTICLE IV.

The Commissioners may appoint a Secretary and a clerk or clerks to assist them in the transaction of the business of the Commission.

ARTICLE V.

In the cases, if any, in which the Commissioners shall fail to agree, they shall transmit to each Government a joint report stating in detail the points on which they differ, and the grounds on which their opinions have been formed; and any such difference shall be referred for final adjustment to an Umpire to be appointed by the two Governments jointly, or, in case of disagreement, to be nominated by the President of the Swiss Confederation at the request of the two Governments.

ARTICLE VI.

In case of the death, or incapacity to serve, from sickness or any other cause, of either of the two Commissioners, or of the Umpire, if any, his place shall be filled in the manner herein provided for the original appointment.

ARTICLE VII.

Each Government shall provide for the remuneration of the Commissioner appointed by it.

The remuneration of the Umpire, if one should be appointed, and

all contingent and incidental expenses of the Commission, or of the Umpire, shall be defrayed by the two Governments in equal moieties.

ARTICLE VIII.

The amount awarded to Great Britain under this Convention on account of any claimant shall be paid by the Government of the United States to the Government of Her Britannic Majesty within six months after the amount thereof shall have been finally ascertained.

ARTICLE IX.

The present Convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged either at Washington or at London within six months from the date hereof, or earlier, if possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this Convention and have hereunto affixed our seals.

Done in duplicate at Washington, the eighth day of February, 1896.

RICHARD OLNEY [SEAL]
JULIAN PAUNCEFOTE [SEAL]

APPENDIX OF CLAIMS.

Claims submitted to the Tribunal of Arbitration at Paris.

Name of vessel.	Date of seizure.	Approximate distance from land when seized.	United States vessel making seizure.
Carolina	Aug. 1, 1886.	75 miles	Corwin.
Thornton	Aug. 1, 1886.	70 miles	Corwin.
Onward	Aug. 2, 1886.	115 miles	Corwin.
Favorite	Aug. 2, 1886.	Warned by Corwin in about same position as Onward.	
Anna Beck	July 2, 1887.	66 miles	Rush.
W. P. Sayward	July 9, 1887.	59 miles	Rush.
Dolphin	July 12, 1887.	40 miles	Rush.
Grace	July 17, 1887.	96 miles	Rush.
Alfred Adams	Aug. 10, 1887.	62 miles	Rush.
Ada	Aug. 25, 1887.	15 miles	Bear.
Triumph	Aug. 4, 1887.	Warned by Rush not to enter Behring Sea.	
Juanita	July 31, 1889.	66 miles	Rush.
Pathfinder	July 29, 1889.	50 miles	Rush.
Triumph	July 11, 1889.	Ordered out of Behring Sea by Rush—Query as to position when warned.	
Black Diamond	July 11, 1889.	35 miles	Rush.
Lily	Aug. 6, 1889.	66 miles	Rush.
Ariel	July 30, 1889.	Ordered out of Behring Sea by Rush.	
Kate	Aug. 13, 1889.	....ditto	Rush.
Minnie	July 15, 1889.	65 miles	Rush.
Pathfinder	Mar. 27, 1890.	Seized in Neah Bay	Corwin.

Personal Claims ..... 1886.
Personal Claims ..... 1887.
Costs in Sayward Case.

ADDITIONAL CLAIMS.

Wanderer ..... 1887–89.
Winifred ..... 1891.
Henrietta ..... 1892.
Oscar and Hattie ..... 1892.

And Whereas the said Convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the City of London on the third day of June, one thousand eight hundred and ninety-six;

Now, Therefore, be it known that I, Grover Cleveland, President of the United States of America, have caused the said Convention to be made public, as amended, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In Testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 11th day of June, in the year of our Lord one thousand eight hundred and ninety-six and of the Independence of the United States the one hundred and twentieth.

[SEAL.]

GROVER CLEVELAND

By the President:

RICHARD OLNEY
Secretary of State

Mr. Olney and Sir Julian Pauncefote to Bering Sea Claims Commission.

WASHINGTON, *January 26, 1897.*

GENTLEMEN: In view of the fact that the "added" claims of the *Black Diamond* and of Capt. James Gaudin, master of the *Ada*, now pending before you, subject to a motion to dismiss on behalf of the counsel for the United States, were clearly intended to be submitted to and decided by the commissioners; in view of the further fact that if the motion of the counsel for the United States prevails the claims in question must be settled by diplomatic negotiations or by another commission or arbitral tribunal, so that it is for the interests of both Governments that the merits of said claims should now be investigated, and, as far as practicable, determined, the undersigned, on behalf of their respective Governments, respectfully request that the commission, leaving the pending motion undecided, will see fit to investigate and pass upon these claims as if the same were legitimately before them, with the exception, of course, that their conclusions are not to be regarded as binding awards, but that the facts involved are to be reported to the two Governments for their information and for such action as they may deem appropriate.

Fully appreciating that the request herein preferred can not be made as a matter of right, but is to be regarded solely as a suggestion for such voluntary action by the commissioners as in view of the circumstances the interests of all parties seem to require.

We have the honor to remain, gentlemen, your most obedient servants,

RICHARD OLNEY,
Secretary of State of the United States.
JULIAN PAUNCEFOTE,
Her Britannic Majesty's Ambassador.

BERING SEA CLAIMS AWARD.

Whereas by a convention between the United States of America and Great Britain, signed at Washington on February 8, 1896, it was, among other matters, agreed and concluded that "all claims on account of injuries sustained by persons in whose behalf Great Britain is entitled to claim compensation from the United States, and arising by virtue of"

a certain treaty between the United States and Great Britain, signed at Washington on February 29, 1892, the award and the findings of the tribunal of arbitration constituted thereunder, as also certain additional claims specified in the preamble of the convention first above mentioned, should be referred to two commissioners, one of whom should be appointed by the President of the United States and the other by Her Britannic Majesty, and each of whom should be learned in the law, and it was further agreed and concluded in the convention first herein named, that said commissioners should determine the liability of the United States, if any, in respect of each claim, and assess the amount of compensation, if any, to be paid on account thereof;

And whereas the President of the United States of America appointed the Honorable William L. Putnam, a judge of the circuit court of the United States for the first circuit, one of said commissioners, and Her Britannic Majesty appointed the Honorable George Edwin King, a justice of the supreme court of Canada, the other of said commissioners; and we, the said commissioners, having met at Victoria, in the Province of British Columba, Canada, on the twenty-third day of November, A. D. 1896, and our respective powers having been found to be duly authenticated, and each of us having duly taken the oath prescribed by the convention, proceeded jointly to the discharge of our duties thereunder; and having heard and examined on oath or affirmation every question of fact not found by the tribunal of arbitration under the treaty between the United States of America and Her Britannic Majesty, signed at Washington on the 29th of February, 1892, and having received all suitable authentic testimony concerning the same, and being attended by counsel on behalf of the United States and by counsel on behalf of Great Britain, who were duly heard before us, and having impartially and carefully examined the questions submitted to us:

Now, therefore, we, the said commissioners, do hereby determine, adjudge, and award as follows:

The rate of interest awarded by us is six per cent per annum, being the statutory rate at Victoria, British Columbia, during the period covered, but being less than the current rate thereat.

As to the claim in respect of the vessel *Carolina*, it is determined that the United States are liable to Great Britain, in respect thereof, and we assess the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel, as follows: Thirteen thousand three hundred and forty-one dollars and seventy-two cents ($13,341.72), with interest from September 10, 1886, until this day, amounting to nine thousand and twenty dollars and seventy-one cents ($9,020.71), and making a total of principal and interest of twenty-two thousand three hundred and sixty-two dollars and forty-three cents ($22,362.43).

As to the claim in respect of the vessel *Thornton*, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel, as follows, that is to say, thirteen thousand five hundred and twenty-one dollars and ten cents ($13,521.10), with interest from September 10, 1886, until this day, amounting to nine thousand one hundred and forty-two dollars and fifty-three cents ($9,142.53), and making a total of principal and interest of twenty-two thousand six hundred and sixty-three dollars and sixty-three cents ($22,663.63).

Now, Therefore, be it known that I, Grover Cleveland, President of the United States of America, have caused the said Convention to be made public, as amended, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In Testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 11th day of June, in the year of our Lord one thousand eight hundred and ninety-six and of the Independence of the United States the one hundred and twentieth.

[SEAL.]

GROVER CLEVELAND

By the President:

RICHARD OLNEY
Secretary of State

Mr. Olney and Sir Julian Pauncefote to Bering Sea Claims Commission.

WASHINGTON, *January 26, 1897.*

GENTLEMEN: In view of the fact that the "added" claims of the *Black Diamond* and of Capt. James Gaudin, master of the *Ada*, now pending before you, subject to a motion to dismiss on behalf of the counsel for the United States, were clearly intended to be submitted to and decided by the commissioners; in view of the further fact that if the motion of the counsel for the United States prevails the claims in question must be settled by diplomatic negotiations or by another commission or arbitral tribunal, so that it is for the interests of both Governments that the merits of said claims should now be investigated, and, as far as practicable, determined, the undersigned, on behalf of their respective Governments, respectfully request that the commission, leaving the pending motion undecided, will see fit to investigate and pass upon these claims as if the same were legitimately before them, with the exception, of course, that their conclusions are not to be regarded as binding awards, but that the facts involved are to be reported to the two Governments for their information and for such action as they may deem appropriate.

Fully appreciating that the request herein preferred can not be made as a matter of right, but is to be regarded solely as a suggestion for such voluntary action by the commissioners as in view of the circumstances the interests of all parties seem to require,

We have the honor to remain, gentlemen, your most obedient servants,

RICHARD OLNEY,
Secretary of State of the United States.

JULIAN PAUNCEFOTE,
Her Britannic Majesty's Ambassador.

BERING SEA CLAIMS AWARD.

Whereas by a convention between the United States of America and Great Britain, signed at Washington on February 8, 1896, it was, among other matters, agreed and concluded that "all claims on account of injuries sustained by persons in whose behalf Great Britain is entitled to claim compensation from the United States, and arising by virtue of"

a certain treaty between the United States and Great Britain, signed at Washington on February 29, 1892, the award and the findings of the tribunal of arbitration constituted thereunder, as also certain additional claims specified in the preamble of the convention first above mentioned, should be referred to two commissioners, one of whom should be appointed by the President of the United States and the other by Her Britannic Majesty, and each of whom should be learned in the law, and it was further agreed and concluded in the convention first herein named, that said commissioners should determine the liability of the United States, if any, in respect of each claim, and assess the amount of compensation, if any, to be paid on account thereof;

And whereas the President of the United States of America appointed the Honorable William L. Putnam, a judge of the circuit court of the United States for the first circuit, one of said commissioners, and Her Britannic Majesty appointed the Honorable George Edwin King, a justice of the supreme court of Canada, the other of said commissioners; and we, the said commissioners, having met at Victoria, in the Province of British Columba, Canada, on the twenty-third day of November, A. D. 1896, and our respective powers having been found to be duly authenticated, and each of us having duly taken the oath prescribed by the convention, proceeded jointly to the discharge of our duties thereunder; and having heard and examined on oath or affirmation every question of fact not found by the tribunal of arbitration under the treaty between the United States of America and Her Britannic Majesty, signed at Washington on the 29th of February, 1892, and having received all suitable authentic testimony concerning the same, and being attended by counsel on behalf of the United States and by counsel on behalf of Great Britain, who were duly heard before us, and having impartially and carefully examined the questions submitted to us:

Now, therefore, we, the said commissioners, do hereby determine, adjudge, and award as follows:

The rate of interest awarded by us is six per cent per annum, being the statutory rate at Victoria, British Columbia, during the period covered, but being less than the current rate thereat.

As to the claim in respect of the vessel *Carolina*, it is determined that the United States are liable to Great Britain, in respect thereof, and we assess the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel, as follows: Thirteen thousand three hundred and forty-one dollars and seventy-two cents ($13,341.72), with interest from September 10, 1886, until this day, amounting to nine thousand and twenty dollars and seventy-one cents ($9,020.71), and making a total of principal and interest of twenty-two thousand three hundred and sixty-two dollars and forty-three cents ($22,362.43).

As to the claim in respect of the vessel *Thornton*, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel, as follows, that is to say, thirteen thousand five hundred and twenty-one dollars and ten cents ($13,521.10), with interest from September 10, 1886, until this day, amounting to nine thousand one hundred and forty-two dollars and fifty-three cents ($9,142.53), and making a total of principal and interest of twenty-two thousand six hundred and sixty-three dollars and sixty-three cents ($22,663.63).

As to the claim in respect of the vessel *Onward*, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel (exclusive of the net interest of Alexander McLean, who at the time of the convention was a citizen of the United States and domiciled therein and has so remained), as follows, that is to say, nine thousand three hundred and seventy-six dollars ($9,376), with interest from September 10, 1886, until this day, amounting to six thousand three hundred and thirty-nine dollars and seventy-four cents ($6,339.74), and making a total of principal and interest of the sum of fifteen thousand seven hundred and fifteen dollars and seventy-four cents ($15,715.74).

As to the claim in respect of the vessel *Favourite*, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel (exclusive of the net interest of said Alexander McLean) as follows, that is to say, three thousand two hundred and two dollars ($3,202), with interest from September 10, 1886, until this day, amounting to two thousand one hundred and sixty-five dollars and eight cents ($2,165.08), and making a total of principal and interest of the sum of five thousand three hundred and sixty-seven dollars and eight cents ($5,367.08).

As to the claim in respect of the vessel *W. P. Sayward*, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel, as follows, that is to say: Twelve thousand five hundred and thirty-seven dollars and fifty cents ($12,537.50), with interest from September 10, 1887, until this day, amounting to seven thousand seven hundred and twenty-five dollars and twenty-two cents ($7,725.22), and making a total principal and interest of the sum of twenty thousand two hundred and sixty-two dollars and seventy-two cents ($20,262.72).

As to the claim in respect of the vessel *Anna Beck*, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel as follows, that is to say: Twenty-one thousand six hundred and ninety-two dollars and fifty cents ($21,692.50), with interest from September 10, 1887, until this day, amounting to thirteen thousand three hundred and sixty-six dollars and nineteen cents ($13,366.19), making a total of principal and interest of the sum of thirty-five thousand and fifty-eight dollars and sixty-nine cents ($35,058.69).

As to the claim in respect of the vessel *Alfred Adams*, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain on behalf of the owners, master, officers, and crew of the vessel, exclusive of the net interest of Alexander Frank, who at the time of the convention was a citizen of the United States and domiciled therein, and has so remained, as follows, that is to say: Ten thousand one hundred and twenty-four dollars, with interest from September 10, 1887, until this day, amounting to six thousand two hundred and thirty-eight dollars

and seven cents ($6,238.07), and making a total of principal and interest of the sum of sixteen thousand three hundred and sixty-two dollars and seven cents ($16,362.07).

As to the claim in respect of the vessel *Grace*, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel as follows, that is to say: Twenty-six thousand two hundred and thirteen dollars and fifty cents ($26,213.50), with interest from September 10, 1887, until this day, amounting to sixteen thousand one hundred and twenty-five dollars and sixty-seven cents ($16,125.67), and making a total of principal and interest of forty-two thousand three hundred and thirty-nine dollars and seventeen cents ($42,339.17).

As to the claim in respect of the vessel *Dolphin*, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel, as follows, that is to say, thirty-one thousand four hundred and eighty-four dollars ($31,484), with interest from September 10, 1887, until this day, amounting to the sum of nineteen thousand three hundred and ninety-nine dollars and thirty-eight cents ($19,399.38), and making a total of principal and interest of the sum of fifty thousand eight hundred and eighty-three dollars and thirty-eight cents ($50,883.38).

As to the claim in respect of the vessel *Ada*, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel, as follows, that is to say, twenty thousand nine hundred and two dollars and sixty-nine cents ($20,902.69), with interest from September 10, 1887, until this day, amounting to twelve thousand eight hundred and eighty dollars and one cent ($12,880.01), and making a total of principal and interest of the sum of thirty-three thousand seven hundred and eighty-two dollars and seventy cents ($33,782.70).

As to the claim in respect of the vessel *Triumph*, warned or seized August 4, 1887, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel, as follows, that is to say, seventeen hundred and fifty dollars, with interest from September 10, 1887, until this day, amounting to one thousand and seventy-eight dollars and twenty-nine cents ($1,078.29), and making a total of principal and interest of the sum of two thousand eight hundred and twenty-eight dollars and twenty-nine cents ($2,828.29).

As to the claim in respect of the vessel *Juanita*, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel as follows, that is to say, eleven thousand four hundred and ninety-three dollars ($11,493), with interest from September 10, 1889, until this day, amounting to five thousand seven hundred and two dollars and forty-four cents ($5,702.44), and making a total of principal and interest of the sum of seventeen

thousand one hundred and ninety-five dollars and forty-four cents ($17,195.44).

As to the claim in respect of the vessel *Pathfinder*, seized or warned July 29, 1889, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel, as follows, that is to say, thirteen thousand seven hundred and ninety-six dollars($13,796), with interest from September 10, 1889, until this day, amounting to six thousand eight hundred and forty-five dollars and twelve cents ($6,845.12), and making a total of principal and interest of the sum of twenty thousand six hundred and forty-one dollars and twelve cents ($20,641.12).

As to the claim in respect of the vessel *Triumph*, seized or warned July 11, 1889, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel, as follows, that is to say, fifteen thousand four hundred and fifty dollars, with interest from September 10, 1889, until this day, amounting to seven thousand six hundred and sixty-five dollars and seventy seven cents ($7,665.77), and making a total of principal and interest of the sum of twenty-three thousand one hundred and fifteen dollars and seventy-seven cents ($23,115.77).

As to the claim in respect of the vessel *Black Diamond*, seized or warned July 11, 1889, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel, as follows, that is to say, fifteen thousand one hundred and seventy-three dollars ($15,173), with interest from September 10, 1889, until this day, amounting to seven thousand five hundred and twenty-eight dollars and thirty-two cents ($7,528.32), and making a total of principal and interest of the sum of twenty-two thousand seven hundred and one dollars and thirty-two cents ($22,701.32).

As to the claim in respect of the vessel *Lily*, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel as follows, that is to say, eleven thousand seven hundred and thirty-nine dollars ($11,739) with interest from September 10, 1889, until this day, amounting to five thousand eight hundred and thirty-two dollars and forty-eight cents ($5,832.48), and making a total of principal and interest of the sum of seventeen thousand five hundred and seventy-one dollars and forty-eight cents ($17,571.48).

As to the claim in respect of the vessel *Ariel*, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel, as follows, that is to say: Forty-nine hundred and fifty dollars ($4,950), with interest from September 10, 1889, until this day, amounting to two thousand four hundred and fifty-six dollars and three cents ($2,456.03), and making a total of principal and interest of the sum of seven thousand four hundred and six dollars and three cents ($7,406.03).

As to the claim in respect of the vessel *Kate*, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel, as follows, that is to say: Three thousand and fifty dollars ($3,050), with interest from September 10, 1889, until this day, amounting to one thousand five hundred and thirteen dollars and thirty-one cents ($1,513.31), and making a total of principal and interest of the sum of four thousand five hundred and sixty-three dollars and thirty-one cents ($4,563.31).

As to the claim in respect of the vessel *Minnie*, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel, as follows, that is to say: Eighty-four hundred and sixty dollars ($8,460), with interest from September 10, 1889, until this day, amounting to four thousand one hundred and ninety-seven dollars and fifty-seven cents ($4,197.57), and making a total of principal and interest of the sum of twelve thousand six hundred and fifty-seven dollars and fifty-seven cents ($12,657.57).

As to the claim in respect of the vessel *Pathfinder*, seized March 27, 1890, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners, master, officers, and crew of the vessel, as follows, that is to say: Eight hundred dollars ($800), with interest from March 27, 1890, until this day, amounting to three hundred and seventy dollars and sixty-seven cents ($370.67), and making a total of principal and interest of the sum of eleven hundred and seventy dollars and sixty-seven cents ($1,170.67).

As to the claim in respect of the vessel *Wanderer*, it is adjudged and determined that there is no liability on the part of the United States of America in respect of such claim.

As to the claim in respect of the vessel *Winnifred*, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners thereof, as follows, that is to say: Three thousand two hundred and eighty-three dollars and five cents ($3,283.05), with interest from July 27, 1892, until this day, amounting to one thousand and sixty-one dollars and fifty-two cents ($1,061.52), and making a total of principal and interest of the sum of four thousand three hundred and forty four dollars and fifty-seven cents ($4,344.57).

As to the claim in respect of the vessel *Henrietta*, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain on behalf of the owners, master, officers, and crew of the vessel, as follows, that is to say: Nine thousand five hundred and ninety-nine dollars and eighty-five cents ($9,599.85), with interest on twenty-four hundred and thirty-seven dollars from September 2, 1892, until this day, and upon the balance from February 17, 1894, until this day, making the entire interest two thousand four hundred and twenty-one dollars and nineteen cents, making a total of principal and interest of the sum of twelve thousand and twenty-one dollars and four cents ($12,021.04).

As to the claim in respect of the vessel *Oscar and Hattie*, it is adjudged and determined that the United States of America are liable to Great Britain in respect thereof, and we assess and award the amount of compensation to be paid on account thereof to Great Britain, on behalf of the owners thereof, as follows, that is to say: Two thousand two hundred and fifty dollars ($2,250), with interest from August 30, 1892, until this day, amounting to seven hundred and fifteen dollars and five cents ($715.05), and making a total of principal and interest of the sum of two thousand nine hundred and sixty five dollars and five cents ($2,965.05).

As to the personal claims we adjudge and determine that the United States of America are liable on account of the following persons, and assess and award the amount of compensation to be paid to Great Britain on account of each of them, as follows:

Daniel Monroe, master of the *Onward*, the principal sum of three thousand dollars ($3,000), with interest from September 10, 1886, to this day, making a total amount of five thousand and twenty-eight dollars and fifty cents ($5,028.50).

John Margotich, mate of the *Onward*, the principal sum of twenty-five hundred dollars ($2,500), with interest from September 10, 1886, to this day, making a total amount of four thousand one hundred and ninety dollars and forty-two cents ($4,190.42).

Hans Guttormsen, master of the *Thornton*, the principal sum of three thousand dollars ($3,000), with interest from September 10, 1886, to this day, making a total amount of five thousand and twenty-eight dollars and fifty cents ($5,028.50).

Harry Norman, mate of the *Thornton*, the principal sum of twenty-five hundred dollars ($2,500), with interest from September 10, 1886, to this day, making a total amount of four thousand one hundred and ninety dollars and forty-two cents ($4,190.42).

James Ogilvie, master of the *Carolina*, the principal sum of three thousand dollars, with interest from September 10, 1886, to this day, making a total amount of five thousand and twenty-eight dollars and fifty cents ($5,028.50).

James Blake, mate of the *Carolina*, the principal sum of twenty-five hundred dollars ($2,500), with interest from September 10, 1886, to this day, making a total amount of four thousand one hundred and ninety dollars and forty-two cents ($4,190.42).

James D. Warren, master of the *Dolphin*, the principal sum of two thousand dollars ($2,000), with interest from September 10, 1887, to this day, making a total amount of three thousand and two hundred and thirty-two dollars and thirty-three cents ($3,232.33).

John Reilly, mate of the *Dolphin*, the principal sum of fifteen hundred dollars ($1,500), with interest from September 10, 1887, to this day, making a total amount of two thousand four hundred and twenty-four dollars and twenty-five cents ($2,424.25).

George P. Fesey, master of the *W. P. Sayward*, the principal sum of two thousand dollars ($2,000), with interest from September 10, 1887, to this day, making a total amount of three thousand two hundred and thirty-two dollars and thirty-three cents ($3,232.33).

A. B. Laing, mate of the *W. P. Sayward*, the principal sum of fifteen hundred dollars ($1,500), with interest from September 10,1887, to this day, making a total amount of two thousand four hundred and twenty-four dollars and twenty-five cents ($2,424.25).

Louis Olsen, master of the *Anna Beck*, the principal sum of two thousand dollars ($2,000), with interest from September 10, 1887, making a total amount of three thousand two hundred and thirty-two dollars and thirty-three cents ($3,232.33).

Michael Keefe, mate of the *Anna Beck*, the principal sum of fifteen hundred dollars ($1,500) with interest from September 10, 1887, to this day, making a total amount of two thousand four hundred and twenty-four dollars and twenty-five cents ($2,424.25).

W. Petit, master of the *Grace*, the principal sum of two thousand dollars ($2,000), with interest from September 10, 1887, to this day, making a total amount of three thousand two hundred and thirty-two dollars and thirty-three cents ($3,232.33).

C. A. Lundberg, mate of the *Ada*, the principal sum of one thousand dollars ($1,000), with interest from September 10, 1887, to this day, making a total amount of one thousand six hundred and sixteen dollars and seventeen cents ($1,616.17).

As to "costs in *Sayward* Case," it is adjudged and determined that there is no liability on the part of the United States of America in respect of such claim.

Her Majesty also presented for our consideration the following claims, that is to say, in behalf of the *Black Diamond*, warned by the collector at Unalaska on July 1, 1886, and also in behalf of James Gaudin, master of the *Ada*, as to each of which we determine and award that we have no jurisdiction, and we dismiss the same.

Made in duplicate and signed by us this seventeenth day of December, A. D. 1897.

WILLIAM L. PUTNAM,
Commissioner appointed by the President of the United States.

GEORGE E. KING,
Commissioner appointed by Her Britannic Majesty.

Respecting the claims mentioned in the award of the commissioners as having been presented on behalf of Great Britain and dismissed as not being within our jurisdiction, namely, the claims of the *Black Diamond*, arising in the year 1886, and the personal claim of James Gaudin, the commissioners, in pursuance of the communication to them from the Secretary of State for the United States and Her Britannic Majesty's ambassador at Washington, dated at Washington, January 26, 1897, and appearing in the protocol of February 2, 1897, beg to report as follows:

We find that damages were sustained by the owners, master, officers, and crew of the *Black Diamond*, in connection with the notice given by the collector of customs at Ounalaska on July 1, 1886, to the amount of five thousand dollars ($5,000), with interest at the rate of six per cent per annum from September 10, A. D. 1887.

And as to the personal claims of James Gaudin, master of the *Ada* in 1887, we report that the amount of damage sustained by him was one thousand dollars ($1,000), with interest at the rate of six per cent per annum from September 10, 1887.

December 17, 1897.

WILLIAM L. PUTNAM,
Commissioner appointed by the President of the United States.

GEORGE E. KING,
Commissioner appointed by Her Britannic Majesty.

55TH CONGRESS, 2d Session. | SENATE. | DOCUMENT No. 60.

CRIMINAL AND PENAL LAWS RELATING TO ALASKA, ETC.

LETTER

FROM

THE ATTORNEY-GENERAL,

TRANSMITTING

A SPECIAL REPORT MADE BY THE COMMISSION TO REVISE AND CODIFY THE CRIMINAL AND PENAL LAWS OF THE UNITED STATES CONCERNING THE CRIMINAL AND PENAL LAWS RELATING TO THE DISTRICT OF ALASKA, ETC.

JANUARY 14, 1898.—Referred to the Committee on the Judiciary and ordered to be printed.

DEPARTMENT OF JUSTICE,
Washington, D. C., January 12, 1898.

SIR: I send you herewith a special report made by the Commission to Revise and Codify the Criminal and Penal Laws of the United States concerning the criminal and penal laws relating to the District of Alaska; also a code of criminal procedure for that district in the form of a bill which accompanied the report of the commission.

Respectfully,

JOSEPH MCKENNA,
Attorney-General.

The PRESIDENT OF THE SENATE.

WASHINGTON, D. C., *January 12, 1898.*

SIR: The law under which the undersigned were appointed commissioners to revise and codify the criminal and penal laws of the United States provides that they "shall report the result of their labors to the Attorney-General when completed, to be by him laid before Congress, and shall make such other reports during the progress of their work as they may see fit to the Attorney-General, to be by him laid before Congress at his discretion."

Accordingly we herewith present a special report in relation to the District of Alaska. The District of Columbia, the District of Alaska, and the Indian Territory are subject to the exclusive legislation of Congress. No organization of these Territories has been authorized by Congress which contemplates local self-government, such as is exercised by the States and the other Territories, and in our view of the law authorizing our appointment we are required to revise and codify the criminal and penal laws peculiar or exclusively applicable to these particular Territories, because they are laws of the United States, as distinguished from laws of the States or laws enacted by the Territorial legislatures.

The criminal and penal laws of the United States, which are coextensive in their operation with the boundaries of the United States, will form the body of the code which we are required to prepare, and the civil and criminal laws peculiar or exclusively applicable to the District of Columbia, the District of Alaska, and the Indian Territory, will form separate titles or other divisions of this code.

At an early stage of our labors we directed our attention to the condition of the criminal laws for the District of Alaska. The circumstances that lend importance to this subject are of common notoriety. It was recently estimated from an official source that there will be 200,000 persons within that district during the present calendar year. Many will pass through parts of Alaska en route to the gold fields in British North America; but there will also be communities of considerable numbers formed within the district at places where there has heretofore been little or no population.

In contemplation of these conditions, we have deemed it desirable that the necessary agencies should be provided for the punishment and prevention of crimes by the civil authority, and that a penal code should be supplied adapted to the circumstances that are to be anticipated, clear and certain in its provisions and convenient in form for the purpose of distribution. We have therefore first prepared a chapter covering the criminal and penal laws peculiar to Alaska, and herewith submit the same for the consideration of Congress, and its adoption in advance of the completion of the remainder of the code, if Congress should approve of it.

The act of Congress entitled "An act providing a civil government for Alaska," approved May 17, 1884, provides (section 7) that "the general laws of the State of Oregon now in force are hereby declared to be the law in said district, so far as the same may be applicable and not in conflict with the provisions of this act or the laws of the United States." Upon examination it was ascertained that no revision or codification of the laws of Oregon had been made between the year 1872 and the year 1887. It follows that to ascertain what laws were in force on the date of the passage of the act mentioned, it is necessary to consult the revision of 1872 and the laws of the legislative assembly of Oregon passed in 1874, 1876, 1878, 1880, and 1882.

Assuming that copies of the six volumes referred to can be procured in sufficient numbers, it would be a matter of serious difficulty and expense to supply them to all local magistrates and other officers within the district, and it would require no slight professional skill to gain from this mass of legislation an accurate understanding of the provisions in force on the 17th of May, 1884. Again, premising that in communities of the character here concerned, officers will necessarily be selected in most instances from the laity, it would be a source of grave embarrassment to many to determine what provisions of the criminal laws of Oregon are applicable and not in conflict with the laws of the United States. This condition is recognized by Governor Brady in his annual report to the Secretary of the Interior, when he says "the district court, in endeavoring to administer the law, has had a difficult task in wrestling with the Oregon code to find out what is applicable to cases under consideration."

By virtue of the provisions of the act providing a civil government for Alaska which is above quoted, the laws of Oregon become laws of the United States; and we have felt justified in assuming that so far as they are criminal or penal in their character, their revision and codification is within the duties prescribed for this commission.

The laws which now exist in and over the District of Alaska may be classified as follows:

(1) The statutes of the United States extending over all the States and Territories.

(2) The statutes of the United States enacted expressly for said district.

(3) The laws of Oregon in force on the 17th of May, 1884, as found in "The Organic and Other General Laws of Oregon, 1834–1872," "The Acts and Resolutions of the Legislative Assembly of the State of Oregon, Passed at the Eighth Regular Session, 1874," and the session laws of 1876, 1878, 1880, and 1882—so far as the same are applicable and not in conflict with the laws of the United States.

The laws embraced in the first of the above classes are not included in the accompanying codification, and are not affected thereby except as expressly stated in this report. They will form a part of the general criminal code hereafter to be submitted; but not being applicable exclusively to the District of Alaska, they have no proper place in this title.

The act of Congress prescribing our duties provides that our "report shall be so made as to indicate any proposed change in the substance of existing law, and shall be accompanied by notes which shall briefly and clearly state the reasons for any proposed change." In compliance with this requirement, we submit the following:

Chapter II: Section 5339 of the Revised Statutes of the United States provides that "Every person who commits murder * * * within any fort, arsenal, dockyard, magazine, or in any other place or district of country within the sole and exclusive jurisdiction of the United

States * * * shall suffer death." This provision is lacking in a definition, and also in a division into degrees distinguished by the presence or absence of premeditation. This distinction is recognized by the criminal codes of nearly all the States, and is justified by abundant considerations. Accordingly we have substituted for this section provisions defining murder in the first and in the second degree, and imposing the capital penalty only as to the former. A section is also inserted making the malicious derailing of trains, when the death of a human being results, murder in the first degree.

Section 5343 provides that "The punishment of manslaughter shall be imprisonment, with or without hard labor, not more than three years, and by a fine of not more than one thousand dollars, except as otherwise specially provided by law." This was amended by the act of Congress approved March 3, 1875, so that the penalty is now imprisonment not exceeding ten years and a fine as before. It is respectfully suggested that the great variety of circumstances and degrees of criminality that may attend this offense calls for a liberal elasticity of penalties, and we have accordingly substituted a minimum term of one year and a maximum term of twenty years. Sections have been added specifically designating certain acts that shall be deemed to constitute manslaughter.

Section 5345 fixes the penalty of death for rape. This is qualified by the act of Congress, entitled "An act to reduce the cases in which the penalty of death may be inflicted," approved January 15, 1897, so that the jury may by their verdict determine whether the punishment shall be death or imprisonment at hard labor for life. Nevertheless, it is the spirit of modern criminal legislation that the ends of justice can be best subserved by prescribing imprisonment for this offense.

As to mayhem, the definition given in section 5348, Revised Statutes of the United States, is amplified, and the maximum penalty increased to imprisonment for twenty years. It will not be overlooked that this crime may assume a very grave character and may be characterized by circumstances of wanton or malicious cruelty deserving of severe punishment.

It may here be stated generally that in the case of crimes as to which the Revised Statutes and Statutes at Large of the United States contain no provisions, the laws of Oregon, in force May 17, 1884, obtain; nevertheless, the latter have not in all cases been inserted in the accompanying codification. Other sections have been substituted where sufficient reason was found in behalf of a greater precision or succinctness of definition or a juster apportionment of penalties, and it is not regarded as necessary or profitable to call attention specifically to changes of the character thus indicated.

Chapter III: Section 5357, Revised Statutes of the United States, which comes down to us from the crimes act of 1790, provides for the punishment of larceny without respect to the value of the property stolen. We have regarded it as desirable to observe the division of the

crime, now universally recognized, into grand and petit larceny, and also to follow the practice of later codes in further subdivisions of this crime.

Chapter IV: The laws of the United States contain provisions addressed to the counterfeiting of the coins and currency of our own and foreign governments, and also the forgery of their securities and obligations, and certificates, warrants, letters patent, and other instruments issued, or purporting to be issued, by the United States or under its authority. These laws do not cover all offenses that partake of the nature of forgery and counterfeiting, and are supplemented in the code here reported by such provisions as seemed necessary to embrace all crimes of this character.

Chapter V: Section 5392, Revised Statutes of the United States, provides for the punishment of perjury in cases "in which a law of the United States authorizes an oath to be administered." There may be instances in which this limitation would obstruct the ends of justice; and it is also deemed desirable that a higher penalty should be attached to the offense when committed upon a trial for a crime punishable with death or imprisonment for life than in other cases. We add a section for the punishment of any person attempting to procure another to commit perjury, though no perjury be committed.

The legislation of Congress concerning bribery is widely separated in the dates of the passage of the several acts, and is consequently somewhat fragmentary. Provisions are here reported which, it is confidently believed, will be found comprehensive and efficient.

Section 5400, Revised Statutes of the United States, provides that "Every person who, by force, sets at liberty or rescues any person found guilty of any capital crime, while going to execution or during execution, shall suffer death." Section 5401 punishes the rescue of other prisoners by a fine of not more than $100 and imprisonment not more than one year. Reasons need scarcely be given for substituting sections prescribing other penalties, which are sought to be adjusted to the character of different offenses belonging to this class; at the same time, sections are added dealing with assaults in aiding the escape of persons in lawful confinement.

Chapter VI: Sections directed against the carrying of concealed weapons are embraced in this chapter which are found in a statute of Oregon enacted subsequently to May 17, 1884; but in the absence of other legislation on the subject, the considerations that dictated their insertion are obvious.

Chapter VII: With respect to adultery, we have distinguished between single acts of adulterous intercourse and lascivious cohabitation, and as to the former have followed the Oregon law providing that prosecutions shall be commenced within one year, and only on the complaint of the husband and wife. The act of Congress, approved March 3, 1887 (Supp., p. 568), amendatory of the act of March 3, 1882 (Ibid., p. 331), contains a provision for the punishment of adultery which is

common to all the Territories of the United States, and which, it is to be assumed, would be repealed as to the District of Alaska by the enactment of the sections which we report.

Chapter VIII. Sections from the laws of Oregon concerning the use of opium as an intoxicant and defining and punishing vagrancy have been inserted, notwithstanding they were not in force on the 17th of May, 1884, as the code would otherwise be without provisions against these offenses. A section forbidding the sale of liquor or firearms to Indians is substituted for the existing law on that subject.

The urgency of the conditions which have induced us to prepare at this time the chapter relating to Alaska justifies us in suggesting to Congress through you a code of criminal procedure, which we have prepared in the form of a bill. We present it in this form, because we do not feel authorized by the act prescribing our duties to deal with procedure, and it will not form a part of the code which we are required to prepare, but if it is enacted into law by Congress, together with the title of the criminal and penal laws of Alaska, it will furnish that district with a complete penal code.

In the preparation of this work it has been deemed of primary importance that means should be supplied by which magistrates may be constituted at such settlements as may come into existence from time to time before whom persons charged with crime may be taken for examination or trial, and also officers to execute their process. Under authority of existing laws the President has appointed commissioners to reside at nine designated places, who, with other powers and duties, are ex officio justices of the peace. It is to be presumed that other communities of considerable numbers will be formed as the population of the district increases, and to meet their needs we have inserted a provision authorizing the judge of the district court to appoint additional commissioners with the jurisdiction of magistrates in criminal proceedings. Provision is also made for the appointment of deputy marshals in excess of the number now authorized by law; and all the deputy marshals are given the authority of constables in the execution of criminal process.

All of which is respectfully submitted.

A. C. THOMPSON,
ALEX. C. BOTKIN,
D. B. CULBERSON,
Commissioners.

Hon. JOS. MCKENNA,
Attorney-General.

CRIMINAL AND PENAL LAWS OF ALASKA.

CHAPTER ONE.

GENERAL PROVISIONS.

Sec.
1. Territorial area.
2. Crimes and offenses, how punished.

SEC. 1. The District of Alaska consists of that portion of the territory of the United States ceded by Russia by the treaty of March thirtieth, eighteen hundred and sixty-seven.

Territorial area.
23 Stat. L., 24, R. S., 1878, ss. 1954–1976.
Treaty, 15 Stat. L., 240.

SEC. 2. The crimes and offenses defined in this act, committed within the District of Alaska, shall be punished as herein provided.

Crimes and offenses, how punished.
23 Stat. L., 24, s. 7.
1 Supp., p. 432.

CHAPTER TWO.

OFFENSES AGAINST THE PERSON.

Sec.
3. Murder, first degree.
4. Murder by obstructing or injuring a railroad.
5. Murder in the second degree.
6. Manslaughter.
7. Procuring another to commit self-murder.
8. Administering medicine, etc., to pregnant women.
9. Physicians administering poison, etc., while in a state of intoxication.
10. Negligent homicide.
11. When killing of a human being justifiable.
12. Same subject.
13. When killing of a human being excusable.
14. Rape.
15. Punishment for rape.
16. Mayhem.
17. Shooting, cutting, or stabbing with intent to kill, etc.
18. Assault with intent to kill or commit rape or robbery.
19. Dueling.
20. Posting another for not engaging in duel.
21. Assault, being armed with a cowhide.
22. Pointing firearms at and discharging the same and injuring thereby.
23. Administering poison.
24. Assault with a dangerous weapon.
25. Assault or assault and battery.
26. Robbery, pocket picking.
27. Kidnaping.
28. Child stealing.
29. Blackmailing.
30. Libel.

SEC. 3. Whoever, being of sound memory and discretion, purposely, and either of deliberate and premeditated malice, or by means of poison, or in perpetrating, or in attempting to perpetrate, any rape, arson, robbery, or burglary kills another, is guilty of murder in the first degree, and shall suffer death.

Murder, first degree.
Bate's Ann. Ohio Stat., s. 6808.
Rufner v. State, 25 Ohio Stat., 468. Kain v. State, 8 ibid., 306. Shoemaker v. State, 12 Ohio, 43.

Murder by obstructing or injuring a railroad. Ibid., s. 6809. Jones v. State, 51 Ohio St., 531-541.

SEC. 4. Whoever maliciously places an obstruction upon a railroad or street railroad or displaces or injures anything appertaining thereto, or does any other act with intent to endanger the passage of any locomotive or car, and thereby occasions the death of another, is guilty of murder in the first degree, and shall suffer death.

Murder in the second degree. Ibid., s. 6810. Davis v. St., 25 Ohio St., 269. Silvus v. St., 22 ibid., 90. Weaver v. St., 24 ibid., 584. Erwin v. St., 29 ibid., 186. Stewart v. St., 1 ibid., 66.

SEC. 5. Whoever purposely and maliciously, except as provided in the last two sections, kills another, is guilty of murder in the second degree, and shall be imprisoned in the penitentiary not less than fifteen years.

Manslaughter. Ibid., s. 6811. Montgomery v. St., 11 Ohio, 424. Erwin v. St., 29 Ohio St., 186. Sutcliffey v. St., 18 Ohio, 469.

SEC. 6. Whoever unlawfully kills another, except as provided in the last three sections, is guilty of manslaughter, and shall be imprisoned in the penitentiary not more than twenty nor less than one year.

Procuring another to commit self-murder. Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, s. 1720.

SEC. 7. If any person shall purposely and deliberately procure another to commit self-murder or assist another in the commission thereof, such person shall be deemed guilty of manslaughter, and shall be punished accordingly.

Administering medicine, etc., to pregnant women. Ibid. Ibid., s. 1721. St. v. Glass, 5 Oreg., 73. St. v. Clements, 15 ibid., 247.

SEC. 8. If any person shall administer to any woman pregnant with a child any medicine, drug, or substance whatever, or shall use any instrument or other means, with intent thereby to destroy such child, unless the same shall be necessary to preserve the life of such mother, such person shall, in case the death of such child or mother be thereby produced, be deemed guilty of manslaughter, and shall be punished accordingly.

Physicians administering poison, etc., while in a state of intoxication. Ibid. Ibid., s. 1722.

SEC. 9. If any physician, while in a state of intoxication, shall, without a design to effect death, administer any poison, drug, or medicine, or do any other act to another person which shall produce the death of such other, such physician shall be deemed guilty of manslaughter, and shall be punished accordingly.

Negligent homicide. Ibid. Ibid., s. 1723.

SEC. 10. Every killing of a human being by the culpable negligence of another, when such killing is not murder in the first or second degree, or is not justifiable or excusable, shall be deemed manslaughter, and shall be punished accordingly.

When killing of a human being justifiable. Ibid. Ibid., s. 1729.

SEC. 11. The killing of a human being is justifiable when committed by public officers or those acting in their aid and assistance and by their command, either—

1. In obedience to the judgment of a competent court;

2. When necessarily committed in overcoming resistance to the execution of legal process or to the discharge of a legal duty;

3. When necessarily committed in retaking persons

charged with or convicted of crime who have escaped or been rescued; or,

4. When necessarily committed in arresting a person fleeing from justice who has committed a felony.

SEC. 12. The killing of a human being is also justifiable when committed by any person as follows:

1. To prevent the commission of a felony upon such person or upon his or her husband, wife, parent, child, master, mistress, or servant;

Same subject. Ibid. Ibid., s. 1730. State v. Dodson, 4 Oreg., 64. Goodall v. State, 1 ibid., 335. State v. Tarter, 26 ibid., 38.

2. To prevent the commission of a felony upon the property of such person, or upon property in his possession, or upon or in any dwelling house where such person may be;

3. In the attempt, by lawful ways and means, to arrest a person who has committed a felony or in the lawful attempt to suppress a riot or preserve the peace.

SEC. 13. The killing of a human being is excusable when committed—

When killing of a human being excusable. Ibid. Ibid., s. 1731. U. S. v. Holmes, 1 Wall., jr., 1.

1. By accident or misfortune in lawfully correcting a child or servant, or in doing any other lawful act, by lawful means, with usual and ordinary caution and without any unlawful intent; or,

2. By accident or misfortune in the heat of passion, upon a sudden and sufficient provocation, or upon a sudden combat, without premeditation or undue advantage being taken, and without any dangerous weapon or thing being used, and not done in a cruel or unusual manner.

SEC. 14. Whoever has carnal knowledge of a female person, forcibly and against her will, or, being sixteen years of age, carnally knows and abuses a female person under fourteen years of age, with her consent, is guilty of rape.

Rape. Bates' Ann. Ohio Stat., s. 6816. McCoombs v. St., 8 Ohio St., 643. Pratt v. St., 19 ibid., 277. Burt v. St., 23 ibid., 394. Hornbeck v. St., 35 ibid., 277.

SEC. 15. A person convicted of rape upon his daughter, or sister, or a female person under twelve years of age, shall be imprisoned in the penitentiary during life; and a person convicted of rape upon any other female person shall be imprisoned in the penitentiary not more than twenty years nor less than three years.

Punishment for rape. Ibid., s. 6817. Howard v. State, 11 Ohio St., 328.

SEC. 16. Whoever, with malicious intent to maim or disfigure, cuts, bites, or slits the nose, ear, or lip, cuts out or disables the tongue, puts out or destroys an eye, cuts off or disables a limb or any member of another person, or whoever, with like intent, throws, or pours upon or throws at another person, any scalding hot water, vitriol, or other corrosive acid or caustic substance, or whoever, with like intent, assaults another person with any dangerous instrument whatever, shall be imprisoned in the penitentiary not more than twenty years nor less than one year.

Mayhem. Ibid., s. 6818.

Shooting, cutting, or stabbing with intent to kill, etc.
Ibid., s. 6820. Callahan v. St., 21 Ohio St., 306. Wareham v. St., 25 ibid., 601. Barber v. St., 39 ibid., 660. Henry v. St., 18 Ohio, 32.

SEC. 17. Whoever maliciously shoots, stabs, cuts, or shoots at another person, with intent to kill, wound, or maim such person, shall be imprisoned in the penitentiary not more than twenty years nor less than one year.

Assault with intent to kill, or commit rape or robbery.
Ibid., s. 6821. Smith v. St., 12 Ohio St., 466. Callahan v. St., 21 ibid., 306. Matthews v. St., 4 ibid., 539. State v. Stout, 49 ibid., 270. Fox v. St., 34 ibid., 377-380.

SEC. 18. Whoever assaults another with intent to kill, or to commit rape or robbery upon the person so assaulted, shall be imprisoned in the penitentiary not more than fifteen years nor less than one year.

Dueling.
Ibid., s. 6887.

SEC. 19. Whoever fights a duel, or is second to a person who fights a duel, or challenges another to fight a duel, or accepts a challenge to fight a duel, or is knowingly the bearer of such challenge, or shall be present at the fighting of such duel as aid or surgeon, or shall advise, encourage, or promote such duel, shall be imprisoned in the penitentiary not more than ten years nor less than one year.

Posting another for not engaging in a duel.
Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, 1738.

SEC. 20. Whoever shall in any manner post another, or in writing or print use any reproachful or contemptuous language to or concerning another for not fighting a duel, or for not sending or accepting a challenge to fight a duel, shall be imprisoned in the penitentiary not more than two years nor less than one year.

Assault, being armed with a cowhide.
Ibid.
Ibid., s. 1739.

SEC. 21. Whoever shall assault, or assault and beat another with a cowhide, whip, stick, or like thing, having at the time in his possession a pistol, dirk, or other deadly weapon, with intent to intimidate and prevent such other from resisting or defending himself, shall be punished by imprisonment in the penitentiary not more than ten years nor less than one year.

Pointing firearms at, and discharging the same, and injury thereby.
Bate's Ann. Ohio Stat., s. 6822. Geiger v. St., 5 Ohio C. C., 283. Williamson v. St., 2 Ibid., 292.

SEC. 22. Whoever intentionally, and without malice, points or aims any firearm at or toward any person, or discharges any firearm so pointed or aimed, or maims or injures any person by the discharge of any firearm so pointed or aimed, shall be fined not more than one hundred dollars, or imprisoned not more than one year, or both. This section shall not extend to any case when firearms are used in self-defense or in the discharge of official duty, or in case of justifiable homicide.

Administering poison.
Ibid., s. 6812. Blackburn v. St., 23 Ohio St., 146. Robbins v. St., 8 Ibid., 131.

SEC. 23. Whoever administers poison to a person, with intent to kill or injure such person, or mingles poison with food, drink, or medicine, with intent to kill or injure any human being, or willfully poisons any well, spring, cistern, or reservoir of water, shall be imprisoned in the penitentiary not more than fifteen years nor less than two years.

SEC. 24. Whoever, being armed with a dangerous weapon, shall assault another with such weapon, shall be punished by imprisonment in the penitentiary not more than ten years nor less than six months, or by imprisonment in the county jail not more than one year nor less than one month, or by fine not less than one hundred dollars nor more than one thousand dollars.

Assault with a dangerous weapon. Laws Oreg., Oct. 20, 1866. Hill's Ann. Laws, s. 1744. U. S. v. Williams, 6 Sawy., 244. St. v. McLennen, 16 Oreg., 60. St. v. Godfrey, 17 Ibid., 300.

SEC. 25. Whoever, not being armed with a dangerous weapon, unlawfully assaults or threatens another in a menacing manner, or unlawfully strikes or wounds another, shall be fined not more than five hundred dollars or imprisoned in the county jail not more than six months, or both.

Assault or assault and battery. Bate's Ann. Ohio Stat., s. 6823. Baker v. St., 12 Ohio St., 214. Champer v. State, 14 Ibid., 437. Howard v. State, 25 Ibid., 399. Fox v. State, 34 Ibid., 377-380.

SEC. 26. Whoever, by force or violence, or by putting in fear, steals and takes from the person of another anything of value, is guilty of robbery, and shall be imprisoned in the penitentiary not more than fifteen years nor less than one year, and whoever, otherwise than by force and violence or by putting in fear, shall steal and take from the person of another anything of value, shall be imprisoned in the penitentiary not exceeding five years nor less than one year.

Robbery, pocket picking. Ibid., s. 6818. Turner v. St., 1 Ohio St., 422. Matthews v. St., 4 Ibid., 540. Hanson v. St., 43 Ibid., 376.

SEC. 27. Every person who, without lawful authority, forcibly seizes and confines another or inveigles or kidnaps another, with intent either—

Kidnaping. Laws Oreg., Oct. 14, 1876. Hill's Ann. Laws, s. 1746.

1. To cause such other person to be secretly confined or imprisoned in said district against his will; or

2. To cause such other person to be sent out of said district against his will, shall be punished by imprisonment in the penitentiary not less than one nor more than ten years.

SEC. 28. Every person who maliciously, forcibly, or fraudulently takes or entices away any child under the age of twelve years, with intent to detain and conceal such child from its parent, guardian, or other person having the lawful charge of such child, shall be punished by imprisonment in the penitentiary not less than six months nor more than ten years, or by imprisonment in the county jail not exceeding one year, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment.

Child stealing. Ibid. Ibid., s. 1747.

SEC. 29. Whoever, either verbally or by written or printed communication, shall threaten any injury to the person or property of another, or that of any person standing in the relation of parent or child, husband or wife, or sister or brother to such other, or shall in like manner

Blackmailing. Bate's Ann. Ohio Stat., s. 6830. Elliot v. State, 36 Ohio State, 318. Mann v. State, 47 Ibid., 556.

threaten to accuse another of any crime, or of any immoral conduct which, if true, would tend to degrade and disgrace such person, or to expose or publish any of his infirmities or failings, or in any way to subject him to the ridicule or contempt of society, with intent thereby to extort any pecuniary advantage or property from such other, or with intent to compel such other to do any act against his will, shall be imprisoned in the penitentiary not more than five years nor less than six months, or imprisoned in the county jail not more than one year nor less than three months.

Libel. Laws Oreg., Oct. 21, 1878. Hill's Ann. Laws, s. 1749.

SEC. 30. If any person shall willfully, by any means other than words orally spoken, publish or cause to be published of or concerning another any false and scandalous matter, with intent to injure or defame such other person, upon conviction thereof he shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by a fine not less than one hundred dollars nor more than five hundred dollars. Any allusion to any person or family, with intent to injure, defame, or maliciously annoy such family, shall be deemed to come within the provisions of this section.

CHAPTER THREE.

OFFENSES AGAINST PROPERTY.

Sec.
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76. Officer, etc., of corporation publishing false reports.
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SEC. 31. If any person shall willfully and maliciously burn in the nighttime any dwelling house of another, or shall in the nighttime willfully or maliciously set fire to any building owned by himself or another, by the burning whereof any dwelling house of another shall be burned in the nighttime, such person shall be deemed guilty of arson, and upon conviction thereof shall be punished by imprisonment in the penitentiary not less than ten nor more than twenty years.

Arson by burning dwelling house in nighttime.
Laws Oreg., Oct. 19, 1864.
Hill's Ann. Laws, s. 1750.

SEC. 32. If any person shall willfully and maliciously burn in the nighttime any church, courthouse, townhouse, meetinghouse, asylum, college, academy, schoolhouse, prison, jail, or other public building erected or used for public uses, or any steamboat, ship, or other vessel, or any banking house, warehouse, express office, storehouse, manufactory, mill, barn, stable, shop, or office of another, or shall willfully and maliciously set fire to any building or boat owned by himself or another, by the burning whereof any edifice, building, boat, or vessel mentioned in this section shall be burned in the nighttime, such person shall be deemed guilty of arson, and upon conviction thereof shall be punished by imprisonment in the penitentiary not less than five nor more than fifteen years.

Arson by burning other building or boat in nighttime.
Ibid.
Ibid., s. 1751.

SEC. 33. If any person shall in the daytime willfully and maliciously commit any of the acts specified in sections thirty-one and thirty-two and thereby declared to be arson, such person shall be deemed guilty of arson, and upon conviction thereof shall be punished by imprisonment in the penitentiary not less than three nor more than ten years.

Arson by burning in daytime.
Ibid.
Ibid., s. 1752.

SEC. 34. If any person shall willfully and maliciously burn any building whatsoever of another other than those specified in sections thirty-one and thirty-two, or shall willfully and maliciously burn any bridge, lock, dam or flume of another, or erected or used for public uses, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one nor more than ten years.

Maliciously burning other buildings.
Ibid.
Ibid., s. 1753.

SEC. 35. The preceding sections of this chapter shall each extend to and include a married woman who may commit either of the crimes therein specified, though the property burned or set on fire may belong wholly or in part to her husband.

Preceding sections of this chapter to extend to married women.
Ibid.
Ibid., s. 1754.

SEC. 36. If any person shall willfully and maliciously burn any pile or parcel of boards or other lumber, timber, or wood; or any stack of hay, grain, or other vegetable product; or any hay, grain, or other vegetable product

Malicious burning of lumber or vegetable products.
Ibid.
Ibid., s. 1755.

severed from the soil, but not stacked; or any growing grass or grain, or other growing vegetable product of the soil, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than six months nor more than three years.

Burning with intent to injure insurer.
Ibid.
Ibid., s. 1756.

SEC. 37. If any person shall willfully burn, or in any other manner injure or destroy any property whatever which is at the time insured against loss or damage by fire or other casualty, with intent to defraud or prejudice the insurer, whether the same be the property of such person or of any other, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than three nor more than seven years.

Burglary in dwelling house in nighttime.
Ibid.
Ibid., s. 1758.
State v. Mack, 20 Oreg., 235; State v. Hunitz, 25 Oreg., 349.

SEC. 38. If any person shall break and enter any dwelling house in the nighttime, in which there is at the time some human being, with intent to commit a crime therein, or, having entered with such intent, shall break any such dwelling house in the nighttime, or be armed with a dangerous weapon therein, or assault any person lawfully therein, such person shall be deemed guilty of burglary, and upon conviction thereof shall be punished by imprisonment in the penitentiary not less than five nor more than fifteen years.

Burglary in dwelling house in daytime.
Ibid.
Ibid., s. 1759.

SEC. 39. If any person shall in the daytime commit any of the acts specified in section thirty-eight, and thereby declared to be burglary, such person shall be deemed guilty of burglary, and upon conviction thereof shall be punished by imprisonment in the penitentiary not less than three nor more than ten years.

Burglary not in dwelling house.
Ibid.
Ibid., s. 1760.
State v. Johns, 15 Oreg., 27; State v. Wright et al., 19 Oreg., 260.

SEC. 40. If any person shall break and enter any building within the curtilage of any dwelling house, but not forming a part thereof, or shall break and enter any building or part thereof, booth, tent, railway car, vessel, boat, or other structure or erection in which any property is kept, with intent to steal therein or to commit any felony therein, such person shall be deemed guilty of burglary, and upon conviction thereof shall be punished by imprisonment in the penitentiary not less than two nor more than five years.

Burglary in dwelling house by attempting to get out.
Ibid.
Ibid., s. 1761.

SEC. 41. If any person, having committed or attempted to commit a crime in the dwelling house of another, shall break in the nighttime any outer door, window shutter, or other part of such house, to get out of the same, such person shall be deemed guilty of burglary, and upon conviction thereof shall be punished by imprisonment in the penitentiary not less than one nor more than three years.

Breaking and entering, what constitutes. Ibid. Ibid., s. 1762. State v. Huntley, 25 Oreg., 349.

SEC. 42. Every unlawful entry of a dwelling house with intent to commit a crime therein shall be deemed a breaking and entering of such dwelling house within the meaning of sections thirty-eight and thirty-nine; and every unlawful entry of any building, booth, tent, railway car, vessel, boat, or other structure or erection mentioned in section forty with intent to steal or commit any felony therein shall be deemed a breaking and entering of the same within the meaning of such section forty.

Larceny. Laws Oreg., Dec. 19, 1865. Hill's Ann. Laws, s. 1763. State v. Lee Yan, 10 Oreg., 365; State v. Dah, 8 Oreg., 229; State v. Ducker, 8 Oreg., 394; State v. Wilson, 6 Oreg., 429; State v. Johnson, 2 Oreg., 115; State v. McCormack, 8 Oreg., 236.

SEC. 43. If any person shall steal any goods or chattels, or any Government note or bank note, promissory note, or bill of exchange, bond, or other thing in action, or any book of accounts, order, or certificate, concerning money or goods, due or to become due or to be delivered, or any deed or writing containing a conveyance of land, or any interest therein, or any bill of sale, or writing containing a conveyance of goods or chattels, or any interest therein, or any other valuable contract in force, or any receipt, release, or defeasance, or any writ, process, or public record, the property of another, such person shall be deemed guilty of larceny, and upon conviction therof, if the property stolen shall exceed in value thirty-five dollars, shall be punished by imprisonment in the penitentiary not less than one nor more than ten years; but if the property stolen shall not exceed the value of thirty-five dollars, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than one year, or by fine not less than twenty-five nor more than one hundred dollars.

Larceny in house, boat, or public building. Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, s. 1764.

SEC. 44. If any person shall commit the crime of larceny in any dwelling house, banking house, office, store, shop, or warehouse, or in any ship, steamboat, or other vessel, or shall break and enter in the night or day time any church, court-house, meetinghouse, townhouse, college, academy, or other building erected or used for public uses, and commit the crime of larceny therein, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one nor more than seven years.

Larceny by stealing horse, etc. Laws Oreg., Dec. 19, 1865. Hill's Ann. Laws, s. 1766.

SEC. 45. If any person shall commit the crime of larceny by stealing any horse, gelding, mare, mule, ass, jenny, or foal, bull, steer, cow, calf, hog, or sheep, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one nor more than fifteen years.

Driving domestic animals from their range, etc.
Laws Oreg., Oct. 16, 1878.
Hill's Ann. Laws, ss. 1767-1768.

SEC. 46. Any person, not the owner or owners, who shall take or drive, or cause to be taken or driven, or shall assist in driving or taking away from the range or place where the same may be lawfully grazing, pasturing, or ranging, any horse, colt, mare, foal, mule, ass, jenny, or bull, cow, heifer, steer, calf, sheep, hog, or any other description of domestic animal or animals, from where the same may be lawfully grazing or in the habit of ranging, or where the same may have been herded or placed by the owner or owners thereof, for a distance of more than ten miles from such place where the same may have been so located or placed by the owner or owners thereof, or where the same may be in the habit of grazing or ranging, shall be fined in any sum not less than fifty dollars nor more than four hundred dollars, and shall be liable to the owner or owners of such animal or animals for all damages sustained by reason of such driving or taking away of such domestic animal.

Larceny by altering marks or brands upon animals.
Laws Oreg., Oct. 19, 1864.
Ibid., s. 1769.
State v. Lee, 17 Oreg., 488.

SEC. 47. If any person shall willfully and knowingly make, alter, or deface any artificial earmark or brand upon any horse, mare, gelding, foal, mule, ass, jenny, sheep, goat, swine, bull, cow, steer, or heifer, the property of another, with intent thereby to convert the same to his own use, such person shall be deemed guilty of larceny, and upon conviction thereof shall be punished by imprisonment in the penitentiary not less than one nor more than five years.

Embezzlement by servant.
Ibid.
Ibid., s. 1770.
State v. Sweet, 2 Oreg., 127; State v. Reinhart, 26 Oreg., 466; State v. Stearns, 26 Oreg., 262.

SEC. 48. If any officer, agent, clerk, employee, or servant of any private person or persons, copartnership, or incorporation shall embezzle or fraudulently convert to his own use, or shall take or secrete with intent to embezzle or fraudulently convert to his own use, any money, property, or thing of another which may be the subject of larceny, and which shall have come into his possession or be under his care by virtue of such employment, such officer, agent, clerk, employee, or servant shall be deemed guilty of embezzlement, and upon conviction thereof, if the property embezzled shall exceed in value thirty-five dollars, shall be punished by imprisonment in the penitentiary not less than one nor more than ten years; but if the property embezzled shall not exceed the value of thirty-five dollars, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than one year, or by fine not less than twenty-five nor more than one hundred dollars.

Embezzlement by bailee.
Laws Oreg., Oct. 26, 1882.

SEC. 49. If any bailee, with or without hire, shall embezzle, or wrongfully convert to his own use, or shall secrete,

with intent to convert to his own use, or shall fail, neglect, or refuse to deliver, keep, or account for, according to the nature of his trust, any money or property of another delivered or intrusted to his care or control, and which may be the subject of larceny, such bailee, upon conviction thereof, shall be deemed guilty of embezzlement and punished accordingly; and if any such bailee shall receive grain of any kind from different bailors, and mix the same and store it together in bulk, in such case, in an indictment charging such bailee so mixing and storing grain with committing, with reference to said grain, the crime defined and made penal in this section, it shall not be necessary to charge in said indictment or prove on the trial that the ownership of said grain is in more than one of said bailors. And every mortgagor of personal property having possession of property mortgaged shall be deemed a bailee within the provisions of this section.

Hill's Ann. Laws, s. 1771. State v. Yon, 20 Oreg., 215. State v. Littechke, 27 Oreg., 189. State v. Thompson, 28 Oreg., 298.

SEC. 50. If any person shall receive any money whatever for said district, or for any county, town, or other municipal or public corporation therein, or shall have in his possession any money whatever belonging to such district, county, town, or corporation, or in which said district, county, town, or corporation has an interest, and shall in any way convert to his own use any portion thereof, or shall loan, with or without interest, any portion thereof, or shall neglect or refuse to pay over any portion thereof, as by law directed and required, or when lawfully demanded so to do, such person shall be deemed guilty of embezzlement, and upon conviction thereof shall be punished by imprisonment in the penitentiary not less than one nor more than fifteen years, and by fine equal to twice the amount so converted, loaned, or neglected, or refused to be paid, as the case may be.

Embezzlement of public money. Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, s. 1772. State v. Howe 27 Oreg., 145.

SEC. 51. The amount of the money converted, loaned, or neglected or refused to be paid, must be ascertained by the verdict of the jury as near as may be, and no person in any proceeding against him under section fifty can be allowed to set up or prove any private demand which he may have or claim to have against such district, county, town, or corporation as a defense to such proceeding, or in any way to account for the public money received by him or in his possession.

Same subject. Ibid. Ibid., s. 1773.

SEC. 52. If any person, being the trustee of any property for the benefit of another, or for any public or charitable use, shall, with intent to defraud, by any means convert the same or any portion thereof to his own use or benefit, or to the use and benefit of another not entitled thereto,

Trustee converting property. Ibid. Ibid., s. 1800.

such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than fifty nor more than one thousand dollars.

Banker, attorney, etc., converting property. Ibid. Ibid., s. 1801.

SEC. 53. If any person, being a banker, broker, merchant, attorney, or agent, and being intrusted with the property of another, for sale or custody, shall, by any means, with intent to defraud, convert the same, or any portion thereof, to his own use or benefit, or to the use or benefit of another not entitled thereto, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than fifty nor more than one thousand dollars.

Buying, receiving, or concealing stolen property. R. S., U. S., 1878, s. 5357.

SEC. 54. Every person who buys, receives, or conceals any money, goods, bank notes, or other thing which may be the subject of larceny and which has been feloniously taken or stolen from any other person, knowing the same to have been taken or stolen, shall be punished by a fine of not more than one thousand dollars, and by imprisonment at hard labor not more than three years.

Larceny by falsely personating another. Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, s. 1776.

SEC. 55. If any person shall falsely personate or represent another, and in such assumed character shall receive or obtain any money or property whatever, intended to be delivered to the person so personated or represented, with intent to defraud or to convert the same to his own use, such person shall be deemed guilty of larceny, and upon conviction thereof shall be punished accordingly.

Obtaining goods or writing by false pretenses. Laws Oreg., Oct. 26, 1882. Hill's Ann. Laws, s. 1777. State v. Lurch, 12 Oreg., 95. State v. Bloodsworth, 25 Oreg., 83.

SEC. 56. If any person shall, by any false pretenses or by any privy or false token, and with intent to defraud, obtain, or attempt to obtain, from any other person any money or property whatever, or shall obtain, or attempt to obtain, with the like intent, the signature of any person to any writing the false making whereof would be punishable as forgery, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one nor more than five years. The making of a bill of sale, or assignment, or mortgage of personal property, by any person not the owner thereof, for the purpose of obtaining money or credit or to secure an existing indebtedness, shall be deemed a false pretense within the meaning of this section.

Malicious or wanton injury to animals or other personal property. Ibid. Ibid., s. 1779.

SEC. 57. If any person shall maliciously or wantonly kill, wound, disfigure, or injure any animal the property of another, or shall willfully administer any poison to any such animal, or shall maliciously expose any poison with intent that the same shall be taken by any such animal, or

shall maliciously or wantonly, in any manner or by any means not otherwise particularly specified in this chapter, destroy or injure any personal property of another, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than six months nor more than three years, or by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than fifty nor more than one thousand dollars.

Destroying boat or vessel with intent to defraud owner or owner of goods laden thereon. Ibid. Ibid., s. 1780.

SEC. 58. If any person shall willfully cast away, burn, sink, or otherwise destroy any ship, steamboat, or other vessel, with intent to injure or defraud any owner of such ship, steamboat, or other vessel, or with intent to injure or defraud the owner of any property laden on board the same, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than three nor more than ten years.

Fitting out vessel with intent to be destroyed. Ibid. Ibid., s. 1781.

SEC. 59. If any person shall lade, equip, or fit out, or assist in lading, equipping, or fitting out, any ship, steamboat, or other vessel, with the intent that the same shall be willfully cast away, burnt, sunk, or otherwise destroyed, to injure or defraud any owner or insurer of said ship, steamboat, or other vessel, or of any property laden on board the same, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one nor more than five years.

Making or exhibiting false bill of lading. Ibid. Ibid., s. 1782.

SEC. 60. If the owner of any ship, steamboat, or other vessel, or of any property laden or pretended to be laden on board the same, or if any other person concerned or assisting in the fitting out or lading of any such ship, steamboat, or other vessel, shall make out or exhibit or cause to be made out or exhibited any false or fraudulent invoice, bill of lading, bill of parcels, or other false estimate of any property laden or pretended to be laden on board of such ship, steamboat, or other vessel, with intent to injure or defraud any insurer of such ship, steamboat, or other vessel or property, or any part thereof, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than six months nor more than three years.

Making conveyance without title with intent to defraud. Ibid. Ibid., s. 1783. State v. Bryan, 23 Oreg., 563.

SEC. 61. If any person shall falsely represent that he is the owner of any land to which he has no title, or shall falsely represent that he is the owner of any interest or estate in any land, and shall execute any conveyance of the same with intent to defraud anyone, such person upon conviction thereof shall be punished by imprisonment in the

penitentiary not less than six months nor more than two years.

Boom, bridge, road, etc.
Laws Oreg., Oct., 19, 1864.
Hill's Ann. Laws, ss. 1785-6.

SEC. 62. If any person shall willfully break, cut away, injure, or destroy any boom or wharf lawfully established, being upon any river or other water in the said district of Alaska, or break down, injure, remove, or destroy any free or toll bridge, railway, plank road, macadamized road, or any gate upon any such road, or any lock or embankment of any canal, such person shall be imprisoned in the penitentiary not less than six months nor more than two years, or be imprisoned in the county jail not less than three months nor more than one year, or be fined not less than fifty dollars nor more than one thousand dollars.

Setting fire to prairie.
Ibid.
Ibid., s. 1787.

SEC. 63. If any person shall maliciously or wantonly set on fire any prairie or other grounds, other than his own or those of which he is in the lawful possession, or shall willfully or negligently permit or suffer the fire to pass from his own grounds or premises, to the injury of another, such person upon conviction thereof shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than fifty nor more than five hundred dollars.

Injury to fruit trees, fences, etc.
Ibid.
Ibid., s. 1788.

SEC. 64. If any person shall maliciously or wantonly cut down, destroy, or injure any bush, shrub, fruit or other tree not his own, standing or growing for fruit, ornament, or other useful purpose, or shall willfully break the glass in or deface any building not his own, or shall willfully break down or destroy any fence or hedge belonging to or inclosing land not his own, or shall willfully throw down, or open and leave down, or open any bars, gate or fence, or hedge belonging to or inclosing land not his own, or shall maliciously or wantonly sever from the land of another any produce thereof, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than ten dollars nor more than five hundred dollars.

Injury to monuments, etc.
Ibid.
Ibid., ss. 1789, 1977.

SEC. 65. If any person shall willfully deface, break down, injure, remove, or destroy any monument erected or used for the purpose of designating the boundary of any town, tract, or parcel of land, or any tree marked for that purpose; or shall willfully break down, injure, remove, or destroy any mile stone, board, or post, or any guide or finger board erected or placed upon any road or highway; or shall willfully alter, deface or obliterate the inscription upon any such monument, stone, post, or board; or shall willfully extinguish any lamp, or break, injure, destroy, or

remove any lamp, lamp-post, sign, or signpost, or any railing or posts erected upon any street, highway, sidewalk, court or passage, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than ten dollars nor more than five hundred dollars.

Trespassing on improved lands. Ibid. Ibid., s. 1790.

SEC. 66. If any person shall willfully enter upon the garden, orchard, or other improved lands of another, or in his possession, with intent to cut, take, carry away, destroy, or injure the trees, grain, grass, hay, fruit, or vegetable products there growing and being, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one nor more than six months, or by fine not less than five nor more than fifty dollars.

Fast driving over public bridge. Laws Oreg., Oct. 16, 1878. Hill's Ann. Laws, s. 1792.

SEC. 67. If any person shall willfully ride or drive over any public bridge at a greater speed than a walk, or shall drive at any one time more than twenty head of cattle, horses, or mules over any such bridge, such person shall be punished by fine not less than ten nor more than one hundred dollars.

Trespassing on lands of another. Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, s. 1793.

SEC. 68. If any person shall willfully cut down, destroy, or injure any standing or growing tree upon the lands of another, or shall willfully take or remove from any such lands any timber or wood previously cut or severed from the same, or shall willfully dig, take, quarry, or remove from any such lands any mineral, earth, or stone, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than one year, or by fine not less than fifty nor more than one thousand dollars.

Trespassing on inclosed lands. Laws Oreg., Oct. 24, 1882. Hill's Ann. Laws, s. 1794. State v. Packwood, 24 Oreg., 261.

SEC. 69. If any person other than an officer on lawful business shall go or trespass upon any inclosed lands or premises not his own, and shall fail, neglect, or refuse to depart therefrom immediately and remain away until permitted to return upon the verbal or printed or written notice of the owner or person in the lawful occupation of said lands or premises, such trespasser shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not less than five nor more than fifty dollars, and shall be committed, in default of payment of the fine and costs imposed, one day for each two dollars of the said fine and costs.

Evidence of notice. Ibid. Ibid., s. 1795.

SEC. 70. Printed or written notices, having attached thereto, by authority, the name of the owner or person in the lawful occupation of said lands or premises, and requiring all persons to forbear trespassing on said lands or

premises and to depart therefrom, posted in three conspicuous places on said lands or premises, shall be held and deemed to be sufficient prima facie evidence of notice as mentioned in the last preceding section.

Using false weights, etc.
Laws Oreg., Oct. 19, 1864.
Hill's Ann. Laws, s. 1796.

SEC. 71. If any person shall knowingly use any false weight or measure, and shall thereby defraud or otherwise injure another, or shall knowingly mark or stamp a false weight or measure or false tare upon any cask or package, or shall knowingly sell or offer for sale any cask or package so marked, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than one year, or by fine not less than fifty nor more than five hundred dollars.

Opening or publishing contents of sealed letter.
Ibid.
Ibid., s. 1797.

SEC. 72. If any person shall willfully open or read, or cause to be opened and read, any sealed letter not addressed to himself, without being authorized so to do either by the writer of such letter or by the person to whom it is addressed, or shall willfully, without the like authority, publish any letter or portion thereof, knowing it to have been so opened, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than one year, or by fine not less than fifty nor more than five hundred dollars; but this section shall not be construed to extend to or include any act made punishable by any other law of the United States.

Fraudulently producing heir.
Ibid.
Ibid., s. 1798.

SEC. 73. If any person shall fraudulently produce an infant, and falsely pretend that it was born of any parent whose child would be entitled to inherit any real estate or interest therein, or to receive a share of any personal estate, with intent to intercept the inheritance of any such real estate or interest therein, or the distribution of any such personal estate, from any person lawfully entitled thereto, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one nor more than ten years.

Substituting another child for infant.
Ibid.
Ibid., s. 1799.

SEC. 74. If any person to whom an infant has been confided for nursing, education, or other purpose, shall, with intent to deceive any parent or guardian of such child, substitute or produce to such parent or guardian another child in the place of the one so confided, such person, upon conviction thereof shall be punished by imprisonment in the penitentiary not less than one nor more than ten years.

Officer, etc., of corporation falsifying records.
Ibid.
Ibid., s. 1802.

SEC. 75. If any person, being or assuming to be an officer, agent, or member of any private corporation or company, shall, with intent to defraud or deceive anyone, willfully and knowingly destroy, alter, mutilate, or in any

manner falsify, or concur in the destruction, alteration, mutilation, or falsification, of any of the books, papers, writings, or securities belonging to or in the possession of such corporation or company, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than fifty nor more than one thousand dollars.

Officer, etc., of corporation publishing false reports. Ibid. Ibid., s. 1808.

SEC. 76. If any person, being or assuming to be an officer, agent, or member of any private corporation or company, shall, with intent to defraud or deceive anyone, willfully and knowingly make, circulate, or publish, or concur in the making, circulating, or publishing any written or printed statement or account, concerning or relating to the liabilities, assets, or property of such corporation or company, which statement or account shall be false in any material particular, such person, upon conviction thereof, shall be punished in the manner provided in section seventy-five.

Trespass on mining claims. Laws Oreg., Oct. 15, 1872. Hill's Ann. Laws, s. 1805.

SEC. 77. Any person who shall break or rob in any manner, or who shall attempt to break or rob, any flume, rocker, quartz, quartz vein, or lode, bed rock, sluice, sluice box, or mining claim not his own, or who shall trespass upon such mining claim, with the intent to commit a felony, shall, upon conviction thereof, be punished by imprisonment in the penitentiary not less than one nor more than five years, or by fine not less than one hundred nor more than one thousand dollars, or by both such imprisonment and fine.

CHAPTER FOUR.

FORGERY AND COUNTERFEITING.

Sec.
78. Forgery of record, certificate, conveyance, etc.
79. Forgery of evidence of debt issued by any Government, etc.
80. Making or having in possession tool designed for counterfeiting.
81. Counterfeiting gold or silver coin, etc.
82. Making or having in possession tool for counterfeiting coin.
83. What sufficient allegation of intention to defraud.
84. Fraudulently joining parts of different instruments.
85. Making false receipt or altering receipt of goods in warehouse.
86. Knowingly using or counterfeiting trademarks, etc.
87. Affixing fictitious signature.
88. Testimony as to signature to bank notes.
89. Sworn certificate of certain officers as evidence.
90. Punishment of person convicted of second crime.
91. Adulterating or selling adulterated gold dust.
92. Possession of adulterated gold dust.

Forgery of record, certificate, conveyance, etc. Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, s. 1808. State v Dunn, 23 Oreg., 562.

SEC. 78. If any person shall, with intent to injure or defraud anyone, falsely make, alter, forge, counterfeit, print, or photograph any public record whatever, or any certificate, return, or attestation of any clerk, notary public, or other public officer in relation to any matter wherein

such certificate, return, or attestation may be received as legal evidence, or any note, certificate, or other evidence of debt issued by any officer of said district, or any county, town, or other municipal or public corporation therein, authorized to issue the same, or any contract, charter, letters patent, deed, lease, bill of sale, will, testament, bond, writing obligatory, undertaking, letter of attorney, policy of insurance, bill of lading, bill of exchange, promissory note, evidence of debt, or any acceptance of a bill of exchange, indorsement, or assignment of a promissory note, or any warrant, order, or check, or money, or other property, or any receipt for money or other property, or any acquittance or discharge for money or other property, or any plat, draft, or survey of land; or shall, with such intent, knowingly utter or publish as true and genuine any such false, altered, forged, counterfeited, falsely printed, or photographed record, writing, instrument, or matter whatever, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than two nor more than twenty years.

Forgery of evidence of debt issued by any government, etc.
Ibid.
Ibid., ss. 1809, 1810, 1811.

SEC. 79. Whoever shall, with intent to injure or defraud anyone, make, alter, forge, or counterfeit any bank bill, promissory note, draft, check, or other evidence of debt issued by the United States, said district, or any State or Territory of the United States, or any other state, government, or country, or by any corporation, company, or person duly authorized for that purpose by the laws of the United States, said district, or any State or Territory of the United States, or any other state, government, or country, or shall, with intent to injure or defraud anyone, knowingly utter, or publish, or pass, or tender in payment as true and genuine, any such false, altered, forged, or counterfeited bill, note, draft, check, or other evidence of debt, or shall have in his possession any such bill, note, draft, check, or other evidence of debt with intent to utter or pass the same as true and genuine, knowing the same to be false, altered, forged, or counterfeited, shall be imprisoned in the penitentiary not less than one nor more than twenty years.

Making or having any tool for counterfeiting.
Ibid.
Ibid., s. 1812.

SEC. 80. If any person shall engrave, make, or begin to engrave, make, or mend any plate, block, press, or other tool, instrument, or implement, or shall make, prepare, or provide any paper or other materials adapted and designed for the forging or making any false or counterfeit bill, note, draft, check, or other evidence of debt, as specified in section seventy-nine, or shall have in his possession or control any such plate, block, press, or other tool, instrument, or

implement, or paper or other material adapted and designed as aforesaid, with intent to use the same, or to cause or permit the same to be used, in forging or making any such false or counterfeit bill, note, draft, check, or other evidence of debt, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one nor more than five years.

Counterfeiting gold or silver coin, etc.
Ibid.
Ibid., ss. 1813-1814.

SEC. 81. If any person shall counterfeit any gold, silver, or other coin current by law or usage within said district, or shall have in his possession or control any false coin counterfeited in the similitude of any gold, silver, or other coin current as aforesaid, knowing the same to be false and counterfeit, and with intent to utter and pass the same as true and genuine, or shall, with intent to injure or defraud anyone, knowingly utter, pass, or tender in payment as true and genuine any such false and counterfeit coin, he shall be imprisoned in the penitentiary not less than one year nor more than ten years.

Making or having in possession tools for counterfeiting coin.
Ibid.
Ibid., s. 1815.

SEC. 82. If any person shall stamp, engrave, make, or mend, or begin to stamp, engrave, make, or mend, or have in his possession or control any mold, pattern, die, puncheon, engine, press, or other tool, implement, or instrument adapted and designed for coining or making any counterfeit coin in the similitude of any gold, silver, or other coin current by law or usage in said district, with intent to use the same or cause or permit the same to be used or employed in coining or making any such false and counterfeit coin as aforesaid, such person, upon conviction thereof, shall be punished in the manner provided in section eighty-one.

What sufficient allegation of intention to defraud.
Ibid.
Ibid., s. 1816.

SEC. 83. In any case where the intent to injure or defraud is necessary, by the provisions of this chapter, to constitute the crime, it shall be sufficient to allege in the indictment therefor an intent to injure or defraud without naming therein the particular person or body corporate intended to be injured or defrauded, and on the trial of the action it shall not be deemed a variance, but be deemed sufficient, if there appear to be an intent to injure or defraud the United States, or any State, Territory, county, town, or other municipal or public corporation, or any public officer in his official capacity, or any private corporation, copartnership, or member thereof, or any particular person or persons.

Fraudulently joining parts of different instruments.
Ibid.
Ibid., s. 1817.

SEC. 84. If any person shall connect together different parts of several bank notes or other genuine instruments in such manner as to produce an additional or different note

or instrument, with intent to utter or pass all of them as true and genuine, the same shall be deemed a forgery in like manner and with like effect as if each of them had been falsely made or forged.

Making false receipt or altering receipt of goods in warehouse.
Ibid.
Ibid., s. 1775.

SEC. 85. If any person shall willfully or knowingly make or alter any receipt or other written evidence of the delivery into any warehouse, commission house, forwarding house, mill, store, or other building occupied by him or his employer, of any grain, flour, pork, beef, wool, or other goods, wares, or merchandise which shall not have been so received or delivered previous to the making and uttering of such receipt or other written evidence thereof, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one year nor more than five years, or by imprisonment in the county jail not less than three months nor more than one year.

Knowingly using or counterfeiting trade-marks, etc.
Ibid.
Ibid., s. 1804.

SEC. 86. If any person shall willfully and knowingly use or cause to be used any private brands, label, stamp, or trade-mark of another, either by counterfeiting the same or using any impression or copy thereof made or prepared by the proprietor thereof, or shall willfully and knowingly use or cause to be used any colorable imitation of such brand, label, stamp, or trade-mark, with intent to deceive anyone, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than six months, or by fine not less than twenty nor more than three hundred dollars.

Affixing fictitious signature.
Ibid.
Ibid., s. 1818.

SEC. 87. If any fictitious or pretended signature purporting to be the signature of an officer or agent of any public or private corporation shall be affixed to any instrument or writing purporting to be a note, draft, or other evidence of debt issued by such corporation, with intent to utter or pass the same as true and genuine, it shall be deemed a forgery, though no such person may ever have been an officer or agent of such corporation, nor such corporation ever have existed.

Testimony as to signature of bank notes.
Ibid.
Ibid., s. 1819.

SEC. 88. In all prosecutions for forgery or counterfeiting any bank bill or note, or for uttering, publishing, or tendering in payment as true and genuine any forged or counterfeited bank bill or note, or for being in possession thereof with the intent to utter or pass them as true and genuine, the testimony of any person acquainted with the signature of the officer or agent authorized to sign the bills or notes of the bank of which such bill or note is alleged to be a counterfeit or similitude, or who has knowledge of the difference in appearance of the true and counterfeit bills or

notes thereof, may be admitted to prove that any such bill or note is counterfeit.

Sworn certificate of certain officers evidence in prosecutions for forging, etc.
Ibid.
Ibid., s. 1820.

SEC. 89. In all prosecutions for forging or counterfeiting any note, certificate, bond, bill of credit, or other security or evidence of debt issued on behalf of the United States, or on behalf of any State or Territory, or for uttering, publishing, or tendering in payment the same as true and genuine, or for being in possession thereof with intent to utter and pass the same as true and genuine, the certificate duly sworn to of the Secretary of the Treasury, or the Treasurer of the United States, or of the secretary or treasurer of any State or Territory on whose behalf such notes, certificate, bond, bill of credit, or other security or evidence of indebtedness purports to have been issued, shall be admitted as evidence for the purpose of proving the same to be forged or counterfeit.

Person convicted of second crime.
Ibid.
Ibid., s. 1821.

SEC. 90. If any person, having been convicted of any crime defined in any of the preceding sections of this chapter, shall afterwards be convicted of the same or any other crime so defined, such person shall be punished by imprisonment not less than the longest term mentioned in the section under which he may be indicted and tried.

Adulterating or selling adulterated gold dust.
Laws Oreg., Oct. 22, 1864.
Hill's Ann. Laws, ss. 1822-1824.

SEC. 91. If any person shall mix or adulterate any gold dust with any metal or coin found of less value than such gold dust, with intent to pass or sell or in any way dispose of such gold dust, so mixed or adulterated, as genuine, or shall pass, sell, or otherwise dispose of or cause to be sold, passed, or otherwise disposed of, or shall attempt to pass, sell, or in any way dispose of, as genuine and pure, any gold dust so mixed or adulterated, knowing the same to be so mixed or adulterated, he shall be imprisoned in the penitentiary not less than one year nor more than five years.

Possession of adulterated gold dust.
Ibid.
Ibid., s. 1823.

SEC. 92. If any person shall have any gold dust in his possession mixed or adulterated as described in section ninety-one, knowing the same to be mixed or adulterated, with intent to pass or sell or in anywise dispose of the same as pure and genuine, or to cause the same to be sold, passed, or in any way dispose of as pure and genuine gold dust, such person, upon conviction of such offense, shall be punished by imprisonment in the penitentiary not less than one year nor more than five years.

CHAPTER FIVE.

OFFENSES AGAINST PUBLIC JUSTICE.

Sec.
93. Perjury and subornation of perjury.
94. Punishment of perjury and subornation.
95. Inciting person to commit perjury.
96. Bribing or offering to bribe officer.
97. Officer receiving or agreeing to receive bribe.
98. Judicial officer, definition of.
99. Executive officer, definition of.
100. Aiding to escape from prison or legal confinement.
101. Same, punishment of.
102. Officer suffering an escape or refusing to receive person committed to his custody.
103. Rescue or aiding prisoner to escape from officer.
104. Assault upon officer of penitentiary.
105. Aiding escape from penitentiary.
106. Assault upon officer by a person imprisoned in county jail.
107. Aiding escape from county jail.
108. Officer refusing or delaying to serve process.
109. Compounding or concealing crime for reward.
110. Neglecting or refusing to aid officer.
111. Falsely assuming to be a magistrate or peace officer.
112. Malfeasance or negligence in office.
113. Destroying, secreting, or mutilating public records.

Perjury and subornation of perjury. Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, s. 1825. U. S. v. Passmore, 4 Dall., 378. State v. Witham, 6 Oreg., 366. State v. Spencer, 6 Oreg., 152. U. S. v. Mayer, 1 Deady, 127.

SEC. 93. If any person authorized by law to take an oath or affirmation, or of whom an oath or affirmation shall be required by such law, shall willfully swear or affirm falsely in regard to any matter or thing concerning which any oath or affirmation is authorized or required, such person shall be deemed guilty of perjury, and if any person shall procure another to commit the crime of perjury, such person shall be deemed guilty of subornation of perjury.

Punishment of perjury and subornation. Ibid. Ibid., s. 1826.

SEC. 94. Every person convicted of the crime of perjury, committed on the trial of or proceedings in a criminal action for a crime punishable with death or imprisonment for life, shall be punished by imprisonment in the penitentiary not less than ten nor more than twenty years. Every person convicted of the crime of perjury, committed in any proceeding in a court of justice other than such criminal action, shall be punished by imprisonment in the penitentiary not less than three nor more than ten years, and every person convicted of the crime of perjury, committed otherwise than in a proceeding before a court of justice, or convicted of the crime of subornation of perjury, however committed, shall be punished by imprisonment in the penitentiary not less than two nor more than five years.

Inciting persons to commit perjury. Ibid. Ibid., s. 1827.

SEC. 95. If any person shall endeavor to procure or incite another to commit the crime of perjury, though no perjury be committed, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one nor more than three years.

Bribing or offering to bribe officer. Ibid. Ibid., s. 1828.

SEC. 96. If any person shall corruptly give, offer, or promise to give any gift, gratuity, valuable consideration, or thing whatever, or shall corruptly promise to do or cause to be done any act beneficial to any judicial or execu-

tive officer, with intent to influence the vote, opinion, decision, judgment, or other official conduct of such officer in any matter, question, duty, cause, or proceeding which then is or by law may come or be brought before such officer, or with intent to influence such officer to act in his official capacity in a particular manner so as to produce or prevent any particular result, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than two nor more than ten years.

Officer receiving or agreeing to receive bribe. Ibid. Ibid., s. 1829.

SEC. 97. If any judicial or executive officer shall corruptly accept or receive any gift, gratuity, valuable consideration, or thing whatever, or any promise thereof, or any promise to do or cause to be done any act beneficial to such officer, with the understanding or agreement, express or implied, that such officer will give his vote, opinion, decision, or judgment in a particular manner in any matter, question, duty, cause, or proceeding which then is or may by law come or be brought before such officer, or with the understanding or agreement that such officer will in his official capacity act in a particular manner, or so as to produce or prevent any particular result, such officer, upon conviction thereof, shall be punished by imprisonment in the penitentary not less than five nor more than fifteen years.

Judicial officer, definition of. Ibid. Ibid., s. 1830.

SEC. 98. Every person authorized to act as a judge in a court of justice; every person summoned as a juror in any court of justice, or upon any inquest, or before any officer, from the time he is so summoned; and every referee, umpire, or arbitrator, from the time of his appointment, shall be held and deemed to be a judicial officer within the meaning of sections ninety-six and ninety-seven, and for the purposes therein expressed.

Executive officer, definition of. Ibid. Ibid., s. 1832.

SEC. 99. Every officer of said district, or of any county, town, or other municipal or public corporation therein, not included in the definition of judicial officers, as defined in section ninety-eight, from the time of his election or appointment shall be held and deemed to be an executive officer within the meaning of sections ninety-six and ninety-seven, and for the purposes therein expressed.

Aiding to escape from prison or legal confinement. Ibid. Ibid., s. 1833.

SEC. 100. If any person shall convey into or about the yard or grounds of any penitentiary, jail, house of correction, or other place whatever for the confinement of persons upon any warrant, order, or other legal process, any disguise, material, instrument, tool, weapon, or other thing adapted to or useful in aiding any person or prisoner there committed or detained to escape, with intent to effect or

facilitate the escape of such person or prisoner, or shall by any means whatever aid or assist any such person or prisoner, in an intent to escape, whether such escape be effected or attempted or not, such person, upon conviction thereof, shall be punished as in the following section provided.

Same, punishment of.
Ibid.
Ibid., s. 1834.

SEC. 101. If the person whose escape was intended or effected was committed or detained upon a charge or conviction of a crime punishable with death or imprisonment for life, the punishment therefor shall be imprisonment in the penitentiary not less than ten nor more than twenty years; but if the person whose escape was intended or effected was committed or detained upon a charge or conviction of a crime not so punishable, the punishment therefor shall be the same as that provided by law for the crime with which such person was charged or convicted; and in case the person whose escape was intended or effected was in custody or confinement upon civil process, or otherwise than upon a charge or conviction of crime, the punishment therefor shall be imprisonment in the county jail not less than three months nor more than one year, or a fine not less than one hundred dollars nor more than five hundred dollars.

Officer suffering an escape, or refusing to receive person committed to his custody.
Ibid.
Ibid., ss. 1835-1836.

SEC. 102. If any sheriff, jailer, or other officer shall voluntarily or through negligence, suffer any person or prisoner committed to or in his custody to escape, or shall willfully refuse to receive into his custody any person or prisoner lawfully committed thereto, such sheriff, jailer, or other officer, upon conviction thereof, shall be punished by imprisonment not less than one year nor more than five years, and by a fine not less than two hundred dollars nor more than one thousand dollars.

Rescue or aiding prisoner to escape from officer.
Ibid.
Ibid., s. 1837.

SEC. 103. If any person shall rescue, or attempt to rescue, any prisoner from any officer or person having the lawful custody of such prisoner, or shall aid or assist any prisoner in escaping or attempting to escape from any officer or person having the lawful custody of such prisoner, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than two nor more than ten years, or by imprisonment in the county jail not less than three months nor more than one year.

Assault upon officer of penitentiary.
Ibid.
Ibid., s. 1900.
State v. Smith, 1 Oreg., 205.

SEC. 104. If any person imprisoned in the penitentiary shall, with a deadly weapon, strike, wound, stab, cut, shoot, or shoot at any superintendent, keeper, or assistant keeper of the penitentiary, or other officer or person having the charge or custody of such person so imprisoned, or if any

person sentenced to the penitentiary shall, with a deadly weapon, strike, wound, stab, cut, shoot, or shoot at any sheriff, deputy sheriff, or his assistants having the charge or custody of the person so sentenced, such person, upon conviction thereof, shall be punished with death.

Aiding escape from penitentiary. Ibid. Ibid., s. 1901.

SEC. 105. If any person, with intent to effect or aid the escape of a person imprisoned in any penitentiary or sentenced to such imprisonment, shall assault any officer or person having the charge or custody of the person so imprisoned or sentenced, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than five nor more than fifteen years.

Assault upon officer by a person imprisoned in county jail. Ibid. Ibid., s. 1902.

SEC. 106. If any person imprisoned or sentenced to imprisonment in the county jail or any building, prison, or place used as or in lieu of a county jail shall, with a deadly weapon, strike, wound, stab, cut, shoot, or shoot at any sheriff, deputy sheriff, jailor, or his assistants having the charge or custody of the person so imprisoned or sentenced, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than ten nor more than twenty years.

Aiding escape from county jail. Ibid. Ibid., s. 1903.

SEC. 107. If any person, with intent to effect or aid the escape of a person imprisoned or sentenced to imprisonment, as mentioned in the last preceding section, shall assault any sheriff, deputy sheriff, jailor, or his assistant having the charge or custody of the person so imprisoned or sentenced, such person upon conviction thereof shall be punished by imprisonment in the penitentiary not less than three years nor more than ten years.

Officer refusing or delaying to serve process. Ibid. Ibid., s. 1888.

SEC. 108. If any officer authorized to serve process shall willfully and wrongfully refuse to execute any lawful process to him directed and delivered, requiring him to arrest or confine any person, or shall willfully and wrongfully omit or delay to execute such process, whereby such person shall escape and go at large, such officer, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than fifty nor more than five hundred dollars.

Compounding or concealing crime for reward. Ibid. Ibid., s. 1889.

SEC. 109. If any person having knowledge of the commission of a crime shall accept or receive any gift, gratuity, valuable consideration, or thing whatever, or any promise thereof, or any promise to do or cause to be done any act beneficial to such person, with the understanding or agreement, expressed or implied, to compound or conceal such crime, or not to prosecute therefor or give evidence thereof,

such person, upon conviction thereof, shall, if such crime be punishable with death or imprisonment for life, be punished by imprisonment in the penitentiary not less than one year nor more than five years; or, if such crime is not so punishable, by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than fifty dollars nor more than five hundred dollars.

Neglecting or refusing to aid officer. Ibid. Ibid., s. 1840.

SEC. 110. If any person, being required by any peace officer or magistrate to assist him in the execution of his office, in the preservation of the peace, or the arrest of any person for a breach of the peace, or the service of any process, shall neglect or refuse to render such assistance, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than six months, or by fine not less than twenty-five dollars nor more than five hundred dollars.

Falsely assuming to be a magistrate or peace officer. Ibid. Ibid., s. 1841.

SEC. 111. If any person shall falsely assume to be a magistrate or peace officer, and shall take upon himself to act as such, and require any person to aid or assist him in any matter pertaining to the duty thereof, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than fifty dollars nor more than five hundred dollars.

Malfeasance or negligence in office. Ibid. Ibid., s. 1852. State v. Packard, 4. Oreg., 157. State v. Parham, 4 Oreg., 188.

SEC. 112. If any officer of said district, or of any county, town, or other municipal or public corporation therein, other than the governor or judge of the district court, shall willfully and knowingly charge, take, or receive any fee or compensation, other than that authorized or permitted by law, for any official service or duty performed by such officer, or shall willfully neglect or refuse to perform any duty or service pertaining to his office, with intent to injure or defraud any one, or shall willfully neglect or refuse to perform such duty or service to the injury of any one, or the manifest hindrance or obstruction of public justice or business, whether such injury, hindrance, or obstruction was particularly intended or not, such officer, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than six months nor more than one year, or by imprisonment in the county jail not less than three months nor more than one year, or by a fine not less than fifty nor more than five hundred dollars, or by dismissal from office with or without either or any of such punishments.

Destroying, secreting, or mutilating public records.

SEC. 113. If any person, having the legal custody of any public record, book, paper, or writing, shall willfully

destroy, secrete, or mutilate the same; or if any attorney shall willfully destroy, secrete, or mutilate any such record, book, paper, or writing, or shall wrongfully take the same from the person having the legal custody thereof, or having obtained possession of such record, book, paper, or writing lawfully, shall wrongfully refuse or neglect to return or produce the same when lawfully required or demanded so to do, such person or attorney, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than six months nor more than one year, or by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than one hundred nor more than five hundred dollars.

Ibid.
Ibid., s. 1853.
Ex parte Tongue, 29 Oreg., 49.

CHAPTER SIX.

OFFENSES AGAINST THE PUBLIC PEACE.

Sec.
114. Definition of riot and unlawful assembly.
115. Punishment for participating in riot.
116. Disturbance of the peace in towns and villages.
117. Disturbing religious meetings.
118. Disturbing other public meetings.
119. Disorderly conduct before ladies.
120. Carrying concealed weapons.
121. Penalty for carrying concealed weapons.

SEC. 114. Any use of force or violence, or any threat to use force or violence, if accompanied by immediate power of execution, by three or more persons acting together and without authority of law, is riot. Whenever three or more persons assemble with intent, or with means and preparations, to do an unlawful act, which would be riot if actually committed, but do no act toward the commission thereof, or whenever such persons assemble without authority of law, and in such manner as is adapted to disturb the public peace or excite public alarm, or disguised in a manner to prevent them from being identified, such an assembly is an unlawful assembly.

Definition of riot and unlawful assembly.
Laws Oreg., Oct. 19, 1864.
Hill's Ann. Laws, s. 1855.

SEC. 115. If any person shall be guilty of participating in any riot, such person, upon conviction thereof, shall be punished as follows:

Punishment for participating in riot.
Ibid.
Ibid., s. 1856.

1. If any felony or misdemeanor was committed in the course of such riot, such person shall be punished in the same manner as the principal in such crime;

2. If such person carried at the time of such riot any species of dangerous weapon, or was disguised, or encouraged or solicited other persons who participated in the riots to acts of force or violence, such person shall be pun-

ished by imprisonment in the penitentiary not less than three nor more than fifteen years;

3. In all other cases such person shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than fifty nor more than five hundred dollars.

Disturbance of the peace in towns and villages.
Laws Oreg., Oct. 19, 1872.
Hill's Ann. Laws, s. 1857.

SEC. 116. If any person or persons shall, in any town or village in said district, willfully drive or ride any horse or mule upon any sidewalk therein, or shall willfully drive or ride any horse or mule through the streets thereof at a greater speed than six miles per hour, or shall use any obscene or profane language in any public place in such town or village to the disturbance or annoyance of any person or persons therein, such person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than five nor more than fifty dollars.

Disturbing religious meetings.
Laws Oreg., Oct. 19, 1864.
Hill's Ann. Laws, s. 1888.

SEC. 117. If any person shall willfully disturb, interrupt, or disquiet any assembly or congregation of people met for religious worship, whether in a house or the open air, by either uttering any profane discourse, committing any rude or indecent act, or making any unnecessary noise within the place where such meeting is held or so near it as to disturb the order and solemnity thereof, or by exposing for sale or gift any intoxicating liquors or drinks within two miles of the place where any such assembly or congregation shall be actually convened for religious worship, and in a place other than such as shall have been duly licensed therefor, and in which such person shall have usually resided and carried on such business, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than six months, or by fine not less than ten dollars nor more than two hundred dollars.

Disturbing other public meetings.
Ibid.
Ibid., s. 1889.

SEC. 118. If any person shall willfully disturb or break up any public meeting or assembly of people other than those mentioned in the section last preceding, lawfully met for a lawful purpose, whether such meeting or assembly be met in a house or in the open air, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than three months, or by fine not less than ten dollars nor more than one hundred dollars.

Disorderly conduct before ladies.
Laws Oreg., Dec. 19, 1865.
Hill's Ann. Laws, s. 1906.

SEC. 119. If any person shall be guilty of disorderly conduct or of using obscene language before ladies, he shall, on conviction thereof, be fined in any sum not less than five nor more than twenty-five dollars.

SEC. 120. It shall be unlawful for any person to carry concealed about his person, in any manner whatever, any revolver, pistol, or other firearm, or knife (other than an ordinary pocketknife), or any dirk or dagger, slung shot, metal knuckles, or any instrument by the use of which injury could be inflicted upon the person or property of any other person.

Carrying concealed weapons. Laws Oreg., Feb. 18, 1885. Hill's Ann. Laws, s. 1969.

SEC. 121. Any person violating any of the provisions of the last preceding section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than two hundred dollars, or by imprisonment in the county jail not less than five days nor more than one hundred days, or by both fine and imprisonment, in the discretion of the court. Nothing in this act shall be construed to apply to any sheriff, constable, police, or other peace officer, whose duty it is to serve process or make arrests.

Penalty for carrying concealed weapons. Ibid. Ibid., s. 1970.

CHAPTER SEVEN.

OFFENSES AGAINST MORALITY AND DECENCY.

Sec.
122. Adultery.
123. Action for adultery, when commenced; adultery by unmarried man.
124. Cohabiting in a state of adultery or fornication.
125. Polygamy.
126. Seduction of chaste female.
127. Indecent exposure and exhibition.
128. Concealing death of child.
129. Indictment of mother for murder of bastard.
130. Keeping bawdyhouse.
131. Common fame, evidence of bawdyhouse.
132. Incest, definition and punishment of.
133. Sodomy.
134. Illegal disinterment.
135. Injuring tombstones and trespassing on graveyards.
136. Making roads through graveyards.
137. Cruelty to animals.

SEC. 122. Whoever, being married, shall voluntarily have sexual intercourse with a person other than the offender's husband or wife is guilty of adultery and shall be fined not more than two hundred dollars or be imprisoned in the county jail not more than three months.

Adultery. Bishop Mar. and D., s. 415.

SEC. 123. A prosecution for the crime of adultery shall not be commenced, except upon the complaint of the husband or wife and within one year from the time of committing the crime or the time when the same shall come to the knowledge of such husband or wife. When the crime of adultery is committed between a married woman and an unmarried man, the man shall be deemed guilty of adultery also, and be punished accordingly.

Action for adultery, when commenced; adultery by unmarried man. Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, s. 1958.

SEC. 124. Whoever cohabits with another in a state of adultery or fornication shall be fined not more than five hundred dollars and imprisoned in the penitentiary not more than two years, or both.

Cohabiting in a state of adultery or fornication. Bate's Ann. Ohio Stat., s. 7020. Holdren v. State. 29 Ohio Stat., 651. State v. Brown, 47 ibid., 102-105.

Polygamy.
Bate's Ann. Ohio Stat., s. 7018. 22 U. S. Stat. L., 30. 24 ibid., 635. Shafher v. State, 20 Ohio, 1. 98 U. S., 145.

SEC. 125. Whoever, having a husband or wife, marries another, whether married or single, or simultaneously, or on the same day, marries more than one woman, is guilty of polygamy, and shall be imprisoned in the penitentiary not more than seven years nor less than one year. This section does not extend to any person whose husband or wife has been continually absent for five consecutive years, and is not known to such person to be living, and is believed by such person to be dead, nor to any person legally divorced from the bonds of matrimony.

Seduction of chaste female.
Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, s. 1863. State v. Adams, 25 Oreg., 172.

SEC. 126. If any person, under promise of marriage, shall seduce and have illicit connection with any unmarried female of previous chaste character, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one nor more than five years, or by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than five hundred nor more than one thousand dollars. A subsequent marriage of the parties is a defense to a violation of this section.

Indecent exposure and exhibition.
Ibid.
Ibid., s. 1864.

SEC. 127. If any person shall willfully and lewdly expose his person or the private parts thereof in any public place, or in any place where there are present other persons to be offended or annoyed thereby, or shall take any part in any model artist exhibition, or make any other exhibition of himself to public view, or to the view of any number of persons, such as is offensive to decency, or is adapted to excite vicious or lewd thoughts or acts, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than fifty nor more than five hundred dollars.

Concealing death of child.
Ibid.
Ibid., s. 1865.

SEC. 128. If any married woman shall conceal the death of any issue of her body, so that it may not be known whether such issue was born alive or not, or whether it was not murdered, such woman, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than six month nor more than one year, or by imprisonment in the county jail not less than three months nor more than one year.

Indictment of mother for murder of bastard.
Ibid.
Idid., s. 1866.

SEC. 129. When a woman is indicted for the murder of her bastard infant, she may also be charged in the same indictment with the crime defined in the last preceding section, and if she shall be found not guilty of the charge of murder, she may be found guilty of the crime defined in such section, and punished accordingly.

Keeping bawdy house.
Ibid.
Ibid., s. 1867.
Wong v. Astoria, 13 Oreg., 538.

SEC. 130. If any person shall keep or set up a house of ill-fame, brothel, or bawdyhouse for the purpose of prostitution, fornication, or lewdness, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than one hundred nor more than five hundred dollars.

Common fame evidence of bawdyhouse.
When lease for, void.
Ibid.
Ibid., s. 1868.

SEC. 131. In all prosecutions for the crime defined in the section last preceding, common fame shall be competent evidence in support of the indictment; and whenever any lessee or occupant of any house shall be convicted of any such crime, the lease or contract for the hiring or occupancy of such house shall, at the option of the lessor or owner, become void, and such lessor or owner shall thereupon be entitled to recover the possession of such premises as in the case of a tenant holding over after the expiration of his time.

Incest, definition and punishment of.
24 Stat. L., 635, s. 4.

SEC. 132. If any person related to another person within and not including the fourth degree of consanguinity computed according to the rules of the civil law shall marry or cohabit with, or have sexual intercourse with such other so related person, knowing her or him to be within said degree of relationship, the person so offending shall be deemed guilty of incest, and, on conviction thereof, shall be punished by imprisonment in the penitentiary not less than three years and not more than fifteen years.

Sodomy.
Laws Oreg., Oct. 19, 1864.
Hill's Ann. Laws, s. 1874.

SEC. 133. If any person shall commit sodomy, or the crime against nature, either with mankind or beast, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one year nor more than five years.

Illegal disinterment.
Ibid.
Ibid., s. 1875.

SEC. 134. If any person shall willfully and wrongfully dig up, disinter, remove, or convey away any human body, or the remains thereof, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than six months nor more than two years, or by imprisonment in the county jail not less than three months nor more than one year.

Injuring tombstones and trespassing on graveyards.
Laws Oreg., Oct. 20, 1862.
Hill's Ann. Laws, s. 1876.

SEC. 135. Any person who shall willfully destroy, mutilate, deface, injure, or remove any tomb, monument, or gravestone, or other structure in any cemetery, or any fence, railing, or other work for the protection or ornament of a cemetery, or tomb, monument, or gravestone, or other structure aforesaid, or of any cemetery lot within a cemetery, or shall willfully destroy, cut, or break, or injure any tree, shrub, or plant within the limits of a cemetery,

shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not less than five dollars nor more than five hundred dollars, and imprisonment in the county jail for a term not less than one nor more than thirty days, according to the nature and aggravation of the offense, and such offender shall also be liable in an action of trespass in the name of said association, to pay all such damages as have been occasioned by his unlawful act or acts, which sum, when recovered, shall be applied to the reparation and restoration of the property destroyed or injured as above.

Making roads through graveyards. Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, s. 1877.

SEC. 136. If any person shall, without authority specially granted by law, or without the authority or consent of the proprietor or owner, open or make any highway, street, road, railway, macadamized road, or other thing in the nature of a public easement, over, in, through, or upon any inclosure or yard used for the burial of the dead, or shall begin to open or make any such public easement over, in, through, or upon any such inclosure or yard, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than one hundred nor more than five hundred dollars.

Cruelty to animals. Ibid. Ibid., s. 1878.

SEC. 137. If any person shall cruelly beat or torture any animal, whether belonging to himself or another, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than ten nor more than thirty days, or by fine not less than five nor more than fifty dollars.

(NOTE.—A provision against prize fighting, common to all the Territories, will be found in 29 U. S. Stat. L., 5; 2 Supp., p. 446.)

CHAPTER EIGHT.

OFFENSES AGAINST PUBLIC POLICY.

Sec.
138. Setting up or promoting lotteries.
139. Selling lottery tickets.
140. Advertising lottery tickets.
141. Selling tickets in fictitious lotteries.
142. When defendant to prove existence of lottery.
143. Second conviction.
144. Profanation of Sunday.
145. Selling liquor or firearms to Indians.
146. Endeavoring to prevent persons from working for another.
147. Suffering vicious animals to run at large.
148. Taking female under sixteen years of age, without consent of parents.
149. Serving civil process on Sunday.
150. Acts contrary to good morals and common decency not otherwise expressly made punishable.
151. Disposing of opium other than to druggists.
152. Selling opium.
153. "Opium den," defined.
154. Frequenting opium den.
155. Penalty for violating above sections.
156. General reputation as evidence.
157. Definition and punishment of vagrancy.
158. Gambling.

Setting up or promoting lotteries. Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, s. 1881.

SEC. 138. If any person shall promote or set up any lottery for money or other valuable thing, or shall dispose of any property of value, real or personal, by way or means of lottery, or shall aid or be in anyway concerned in setting up, managing, or drawing such lottery, or shall, in any house, shop, boat, shed, or building owned or occupied by him or under his control, knowingly permit, or suffer the setting up, management, or drawing of any such lottery, or the sale of any lottery tickets, share of a ticket, or any writing, token, or other device purporting or intended to entitle the holder or bearer thereof, or any other person, to any prize or interest or share thereof, to be drawn in any lottery, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than six months nor more than one year, or by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than one hundred nor more than one thousand dollars.

Selling lottery tickets. Ibid. Ibid., s. 1882.

SEC. 139. If any person shall sell, either for himself or another, or shall offer for sale, or shall have in his possession with intent to sell or offer for sale, or to exchange or negotiate, a ticket or share of a ticket in any such lottery, or any writing, token, or other device as is mentioned in the section last preceding, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than fifty dollars nor more than five hundred dollars.

Advertising lottery tickets. Ibid. Ibid., s. 1883.

SEC. 140. If any person shall advertise any lottery ticket or share in such ticket, or any writing, token, or other device as is mentioned in section one hundred and thirty-eight, for sale, either for himself or another, or shall in any way invite or entice or attempt to invite or entice another to purchase or receive the same, or shall set up or exhibit any sign, symbol, or any emblematic or other representation of a lottery, where such ticket, share thereof, writing, token, or other device can be purchased or obtained, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than six months, or by a fine not less than twenty dollars nor more than two hundred dollars.

Selling tickets in fictitious lotteries. Ibid. Ibid., s. 1884.

SEC. 141. If any person shall make or sell or offer for sale, or have in his possession with intent to sell, exchange, or negotiate, either for himself or another, any false or fictitious lottery ticket or share thereof, or any writing, token, or other device as is mentioned in section one hun-

dred and thirty-eight, or any ticket or share thereof in any pretended or fictitious lottery, knowing the same to be false or fictitious, or shall receive any money or other thing of value for any such ticket or share thereof, or for any such writing, token, or other device, purporting that the owner, holder, or bearer thereof shall be entitled to receive any prize or any share of any prize, or anything of value that may be drawn in such lottery, knowing the same to be false or fictitious, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one year nor more than three years.

When defendant to prove existence of lottery. Ibid. Ibid., s. 1885.

SEC. 142. Upon the trial of an indictment for any of the crimes defined in the section last preceding, any ticket or share of a ticket, or any writing, token, or other device therein mentioned which the defendant shall have made, sold, or offered for sale, or shall have had in his possession with intent to sell, or for which he shall have received any money or other valuable thing, shall be deemed to be false, spurious, or fictitious, unless such defendant shall prove the same to be true and genuine and to have been duly issued by authority of law, and that such lottery was at the time existing and undrawn, and that such ticket or share thereof, or writing, token, or other device, was issued by lawful authority and binding upon the person who issued the same.

Second conviction. Ibid. Ibid., s. 1886.

SEC. 143. If any person, having been convicted of a crime defined in sections one hundred and thirty-eight and one hundred and thirty-nine, shall afterwards be convicted of the same or any other crime therein defined, such person shall be punished by imprisonment in the penitentiary not less than one nor more than three years.

Profanation of Sunday. Laws Oreg., Dec. 8, 1865. Hill's Ann. Laws, s. 1890.

SEC. 144. If any person shall keep open any store, shop, grocery, ball alley, billiard room, or tippling house, for purpose of labor or traffic, or any place of amusement, on the first day of the week, commonly called Sunday or the Lord's day, such person, upon conviction thereof, shall be punished by a fine not less than five nor more than fifty dollars: *Provided*, That the above provision shall not apply to the keepers of drug stores, doctor shops, undertakers, livery-stable keepers, barbers, butchers, and bakers, and all circumstances of necessity and mercy may be pleaded in defense, which shall be treated as questions of fact for the jury to determine, when the offense is tried by jury.

Selling liquors or firearms to Indians.

SEC. 145. If any person shall, without the authority of the United States, or some authorized officer thereof, sell,

barter, or give to any Indian or half-breed who lives and associates with Indians any firearms or ammunition therefor whatever, or any spirituous, malt, or vinous liquor, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than two months nor more than six months, or by fine not less than one nor more than five hundred dollars. Section nineteen hundred and fifty-five of the Revised Statutes of the United States, and all that part of section fourteen of "An act providing a civil government for Alaska," approved May 17, 1884, after the word "provided" is hereby repealed.

Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, s. 1891.

SEC. 146. If any person shall, by any use of force, threats, or intimidation, prevent or endeavor to prevent any person employed by another from continuing or performing his work, or from accepting any new work or employment, or if any person shall, by the use of like means, prevent or endeavor to prevent another from employing any person, or to compel another to employ any person, or to force or induce another to alter his mode of carrying on business or to limit or increase the number of persons employed by him, or their rate of wages or term of service, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than six months, or by fine not less than twenty nor more than three hundred dollars.

Endeavoring to prevent persons from working for another. Ibid. Ibid., s. 1893. Longshore Printing Co. v. Howell, 26 Oreg., 544.

SEC. 147. If any person, being the owner or having the control of any dangerous or vicious animal, knowing such animal to be dangerous or vicious, shall willfully or negligently permit or suffer the same to be at large in any neighborhood or on any public highway, such person, upon conviction thereof, shall be punished by fine not less than ten nor more than fifty dollars.

Suffering vicious animal to run at large. Ibid. Ibid., s. 1894.

SEC. 148. If any person shall take away any female under the age of sixteen years from her father, mother, guardian, or other person having legal charge of her person, without the consent of such father, mother, guardian, or other person, such person upon conviction thereof shall be punished by imprisonment in the penitentiary not less than one nor more than two years or by imprisonment in the county jail not less than three months nor more than one year or by fine not less than one hundred nor more than five hundred dollars.

Taking female under 16 without consent of parents. Ibid. Ibid., s. 1895.

SEC. 149. If any person shall serve or execute any civil process on a Sunday or the Lord's day, such service shall be void, and such person upon conviction thereof shall be punished by fine not less than five nor more than fifty dollars.

Serving civil process on Sunday. Ibid. Ibid., s. 1896.

Acts contrary to good morals and common decency not otherwise expressly made punishable.
Ibid.
Ibid., s. 1897.

SEC. 150. If any person shall willfully and wrongfully commit any act which grossly injures the person or property of another, or which grossly disturbs the public peace or health, or which openly outrages the public decency and is injurious to public morals, such person, if no punishment is expressly prescribed therefor by this act, upon conviction therefor shall be punished by imprisonment in the county jail not less than one month nor more than six months or by fine not less than fifty nor more than two hundred dollars.

Disposing of opium other than to druggists.
Laws Oreg., Nov. 25, 1885.
Hill's Ann. Laws, s. 1919.

SEC. 151. It shall be unlawful to sell or give away opium, or any preparation of which opium is the principal medicinal agent, to any person except druggists and practicing physicians, except on the prescription of a practicing physician, written in the English or Latin language; and the druggist filling the prescription shall keep the same on file for one year subject to be inspected by any public officer of the district.

Selling opium.
Ibid.
Ibid, s. 1920.

SEC. 152. No person shall sell any opium, or preparation of which opium is the principal medicinal agent, to be smoked on or about the premises where sold.

Opium den defined.
Ibid.
Ibid, s. 1921.

SEC. 153. Any building where opium is sold for the purpose of being smoked on or about the premises or where the same is smoked, shall be considered an opium den.

Frequenting opium den.
Ibid.
Ibid., s. 1922.

SEC. 154. It shall be unlawful for any person to frequent any opium den for the purpose of purchasing or smoking opium, or any preparation in which opium is the principal medicinal agent.

Penalty for violating above sections.
Ibid.
Ibid., s. 1923.

SEC. 155. Any person violating any of the four sections last preceding shall be punished by imprisonment in the penitentiary not less than six months nor more than two years, or by imprisonment in the county jail not less than one month nor more than six months, or by fine not less than fifty dollars nor more than five hundred dollars.

General reputation as evidence.
Ibid.
Ibid., s. 1924.

SEC. 156. In a prosecution for any violation of the provisions of sections one hundred and fifty-two, one hundred and fifty-three, and one hundred and fifty-four, general reputation shall be received in evidence to establish the character of any building as an opium den, and proof that any person frequents such den shall be prima facie evidence that such person frequents such den for the purpose of smoking opium, and such evidence shall not be rebutted by the evidence of the defendant unsupported by other evidence.

Definition and punishment of vagrancy.

SEC. 157. All idle or dissolute persons who have no visible means of living, or lawful occupation or employment

by which to earn a living; all persons who shall be found begging the means of support in public places, or from house to house, or who shall procure a child or children so to do; all persons who live in or about houses of ill repute, shall be deemed vagrants, and upon conviction thereof shall be fined not less than twenty dollars nor more than two hundred and fifty dollars, or by imprisonment in the county jail not less than ten nor more than twenty-five days, or both, in the discretion of the court.

Laws Oreg., Feb. 21, 1887. Hill's Ann. Laws, s. 1958.

SEC. 158. Each and every person who shall deal, play, or carry on, open, or cause to be opened, or who shall conduct, either as owner, proprietor, or employee, whether for hire or not, any game of faro, monte, roulette, rouge-et-noir, lansquenet, rondo, fan tan (or twenty-one), poker, draw poker, brag, bluff, thaw, or any banking or other game played with cards, dice, or any other device, whether the same shall be played for money, checks, credit, or any other representative of value, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars, and shall be imprisoned in the county jail until such fine and costs are paid: *Provided*, That such person so convicted shall be imprisoned one day for every two dollars of such fine and costs; and *provided further*, That such imprisonment shall not exceed one year.

Gambling. Laws Oreg., Oct. 20, 1876. Hill's Ann. Laws, s. 1968.

CHAPTER NINE.

OFFENSES AGAINST PUBLIC CONVENIENCE.

Sec.
159. Throwing ballast into navigable stream.
160. Injuring buoys or beacons.
161. Tearing down posted notices.

SEC. 159. If any person, whether he be an officer of a vessel or not, shall discharge the ballast of any vessel into the navigable portions or channels of any of the bays, harbors, or rivers of said district, or within the jurisdiction of said district, so as to injuriously affect such portions or channels of such bays, harbors, or rivers, or to obstruct the navigation thereof, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than one hundred nor more than five hundred dollars.

Throwing ballast into navigable stream. Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, s. 1973. (See Laws U. S., 2 Supp., p. 251.)

SEC. 160. Any person or persons who shall moor any vessel or vessels of any kind or name whatsoever, or any boat, skiff, barge, scow, raft, or part of a raft, to any buoy or beacon placed in the navigable waters of the district, or

Injuring buoys or beacons. Laws Oreg., Oct. 16, 1874. Hill's Ann. Laws, s. 1974.

in any bay, river, or arm of the sea bordering upon said district, by the authority of the United States Light-House Board, or shall in any manner hang on with any vessel, boat, skiff, barge, scow, raft, or part of a raft, to any such buoy or beacon, or shall willfully remove, damage, or destroy any such buoy or beacon, or shall cut down, remove, damage, or destroy any beacon or beacons erected on land in said district by authority of the United States Light-House Board, shall for every such offense be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than one hundred nor more than two hundred dollars, or by imprisonment in the county jail not less than one nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

Tearing down posted notices. Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, s. 1976.

SEC. 161. If any person shall willfully tear down, alter, or deface any posted, written, or printed notice, posted or put up in pursuance of any law requiring or authorizing the same to be done, before the time for which such notice is given has expired, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than six months, or by fine not less than fifty dollars nor more than three hundred dollars.

CHAPTER TEN.

OFFENSES AGAINST THE PUBLIC HEALTH.

Sec.
162. Selling unwholesome provisions.
163. Adulterating provisions.
164. Adulterating drugs.
165. Polluting water used for domestic purposes.
166. Same subject.
167. Penalty.
168. Spreading dangerous diseases.
169. Selling poison without label.

Selling unwholesome provisions. Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, s. 1978.

SEC. 162. If any person shall knowingly sell any kind of diseased, corrupted, or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than fifty nor more than five hundred dollars.

Adulterating provisions. Ibid. Ibid., s. 1979.

SEC. 163. If any person shall adulterate for the purpose of sale any substance intended for meat or drink with any substance injurious to health, or shall sell or offer for sale any substance so intended, knowing the same to be so adulterated, such person, upon conviction thereof, shall be punished in the manner provided in the section last preceding.

Adulterating drugs.
Ibid.
Ibid., s. 1960.

SEC. 164. If any person shall adulterate for the purpose of sale any drug or medicine, in such manner as to render the same injurious to health, or shall knowingly sell or offer for sale any adulterated drug or medicine, such person, upon conviction thereof, shall be punished in the manner provided in section one hundred and sixty-two, and such adulterated drugs or medicines shall be forfeited and destroyed.

Polluting water used for domestic purposes.
Laws Oreg., Feb. 25, 1885.
Hill's Ann. Laws, s. 1961.

SEC. 165. Any person who shall put any sewerage, drainage, or refuse, or polluting matter, as either by itself or in connection with other matter will corrupt or impair the quality of any well, spring, brook, creek, branch, or pond of water, which is used or may be used for domestic purposes, shall be deemed guilty of a misdemeanor.

Same subject.
Ibid.
Ibid., s. 1962.

SEC. 166. Any person who puts any dead animal carcass, or part thereof, excrement, putrid, nauseous, noisome, decaying, deleterious, or offensive substance into, or in any other manner not herein-named befouls, pollutes, or impairs the quality of any spring, brook, creek, branch, well, or pond of water which is or may be used for domestic purposes, shall be deemed guilty of a misdemeanor.

Penalty.
Ibid.
Ibid., s. 1963.

SEC. 167. Any person violating the provisions of either of the two sections last preceding shall, upon conviction, be fined not less than ten nor more than fifty dollars, or be imprisoned not less than five nor more than twenty-five days, or by both fine and imprisonment.

Spreading dangerous disease.
Laws Oreg., Oct. 19, 1864.
Hill's Ann. Laws, s. 1964.

SEC. 168. If any person shall inoculate himself or suffer himself to be inoculated, or shall inoculate another, with the smallpox or any other malignant or infectious disease, within said district, or being so inoculated shall come within said district with the intent to cause the prevalence or spread of such disease within said district, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one year nor more than three years.

Selling poison without label.
Ibid.
Ibid., s. 1965.

SEC. 169. If any person shall sell or deliver any arsenic, corrosive sublimate, prussic acid, or other poison, without having the word "poison" and the true name thereof in English written or printed upon a label attached to the vial, box, or parcel containing the same, such person, upon conviction thereof, shall be punished by a fine of not less than twenty nor more than one hundred dollars.

CHAPTER ELEVEN.

OFFENSES CONCERNING THE TELEGRAPH, TELEPHONE, ETC.

Sec.
170. Refusing to transmit official dispatch in time of war, etc.
171. Malicious injury to telegraph.
172. Divulging or altering dispatch.
173. Sending or delivering false dispatch.
174. Using information contained in dispatch.
175. Delaying or refusing to send dispatch.
176. Opening or obtaining dispatch intended for another.
177. Taking information from wire, etc.
178. Bribing operator to disclose private message.

Refusing to transmit public dispatches.
Laws Oreg., Oct. 17, 1862
Hill's Ann. Laws, s. 2000.

SEC. 170. Every telegraph company shall be bound, on application of any officer of said district or of the United States, in case of any war, insurrection, riot, or other civil commotion or resistance of public authority, for the prevention and punishment of crime, or for the arrest of persons suspected or charged therewith, to give to the communications of such officers immediate dispatch, at the price of ordinary communications of the same length; and if any officer, agent, operator, or employee of any such company shall refuse or willfully omit to transmit such communications as aforesaid, or shall designedly alter or falsify the same, for any purpose whatever, the person so offending shall be liable to indictment, and on conviction may be fined or imprisoned, at the discretion of the court.

Malicious injury to telegraph, telephone, etc.
Ibid.
Ibid., s. 2001.

SEC. 171. If any person shall willfully and maliciously cut, break, or throw down any pole or any tree or other object used in any line of telegraph, telephone, or system for the transmission of light or power by use of electricity, or shall willfully and maliciously break, displace, or injure any insulator in use in any such line, or shall willfully and maliciously cut, break, or remove from its insulators any wire used for any of the purposes above enumerated, or shall, by the attachment of a ground wire, or by any other contrivance, willfully and maliciously destroy the insulation of such line, or interrupt the transmission of the electric current through the same, or shall in any other manner willfully and maliciously injure, molest, or destroy any property or materials appertaining to any such line, or belonging to any telegraph, telephone, electric-light, or power company, or shall willfully and maliciously interfere with the use of any telegraph, telephone, electric-light, or power line, or obstruct or postpone the transmission of any message over any telegraph or telephone line, or procure or advise any such injury, interference, or obstruction, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine not to exceed five hundred dollars, or imprisonment not to exceed six months,

or by both such fine and imprisonment, in the discretion of the court, and shall moreover be liable to the company whose property is injured or line obstructed in a sum equal to one hundred times the amount of actual damages sustained thereby.

Divulging or altering dispatch. Ibid. Ibid., s. 2002.

SEC. 172. If any officer, agent, operator, clerk, or employee of any telegraph company, or any other person, shall willfully divulge to any other person than the party from whom the same was received, or to whom the same was addressed, or his agent or attorney, any message received or sent, or intended to be sent, over any telegraph line, or the contents, substance, purport, effect, or meaning of such message, or any part thereof, or shall willfully alter any such message by adding thereto or omitting therefrom any word or words, figure or figures, so as to materially change the sense, purport, or meaning of such message, to the injury of the person sending or desiring to send the same, or to whom the same was directed, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by a fine not to exceed one thousand dollars, or imprisonment not to exceed one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That when numerals or words of number occur in any message, the operator or clerk sending or receiving may express the same in words or figures, or in both words and figures, and such fact shall not be deemed an alteration of the message, nor in any manner affect its genuineness, force, or validity.

Sending or delivering false dispatch. Ibid. Ibid., s. 2003.

SEC. 173. If any agent, operator, employee, in any telegraph office, or other person, shall, knowingly and willfully, send by telegraph, to any person or persons, any false or forged message, purporting to be from such telegraph office, or from any other person, or shall willfully deliver, or cause to be delivered, to any person, any such message, falsely purporting to have been received by telegraph, or if any person or persons shall furnish or conspire to furnish, or cause to be furnished, to any such agent, operator, or employee, to be sent by telegraph, or to be so delivered, any such message, knowing the same to be false or forged, with the intention to deceive, injure, or defraud any individual, partnership, or corporation, or the public, the person or persons so offending shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars, or imprisonment not to exceed one year, or by both such fine and imprisonment, in the discretion of the court.

Servant of company using information contained in dispatch.
Ibid.
Ibid., s. 2004.

SEC. 174. If any agent, operator, or employee, in any telegraph office, shall, in any way, use or appropriate any information derived by him from any private message or messages, passing through his hands, and addressed to any other person or persons, or in any other manner acquired by him, by reason of his trust as such agent, operator, or employee, or shall trade or speculate upon any such information so obtained, or in any manner turn or attempt to turn the same to his account, profit, or advantage, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by a fine not to exceed one thousand dollars, or imprisonment not to exceed one year, or by both such fine and imprisonment, in the discretion of the court, and shall also be liable, in treble damages, to the party aggrieved, for all loss or injury sustained by reason of such wrongful act.

Refusing to send or delaying dispatch.
Ibid.
Ibid., s. 2005.

SEC. 175. If any agent, operator, or employee, in any telegraph office, shall unreasonably and willfully refuse or neglect to send any message received at such office for transmission, or shall unreasonably or willfully postpone the same out of its order, or shall unreasonably and willfully refuse or neglect to deliver any message received by telegraph, the person so offending shall be deemed guilty of a misdemeanor, and may be punished by a fine not to exceed five hundred dollars, or imprisonment not to exceed six months, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That nothing herein contained shall be construed to require any message to be received, transmitted, or delivered, unless the charges thereon shall have been paid or tendered, nor to require the sending, receiving, or delivery of any message counseling, aiding, abetting, or encouraging treason against the Government of the United States, or other resistance to the lawful authority, or any message calculated to further any fraudulent plan or purpose, or to instigate or encourage the perpetration of any unlawful act, or to facilitate the escape of any criminal or person accused of crime.

Wrongfully obtaining dispatch intended for another.
Ibid.
Ibid., s. 2006.

SEC. 176. If any person, not connected with any telegraph office, shall, without the authority or consent of the person or persons to whom the same may be directed, willfully or unlawfully open any sealed envelope inclosing a telegraph message, and addressed to any other person or persons, with the purpose of learning the contents of such message, or shall fraudulently represent any other person or persons, and thereby procure to be delivered to

himself, any telegraph message addressed to such other person or persons, with the intent to use, destroy, or detain the same from the person or persons entitled to receive such message, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by a fine not to exceed one thousand dollars, or imprisonment not to exceed one year, or by both such fine and imprisonment, in the discretion of the court; and shall, moreover, be liable in treble damages to the party injured, for all loss and damage sustained by reason of such wrongful act.

Taking information from wire, etc. Ibid. Ibid., s. 2007.

SEC. 177. If any person, not connected with any telegraph company, shall, by means of any machine, instrument, or contrivance, or in any other manner, willfully and fraudulently read or attempt to read any message, or to learn the contents thereof, whilst the same is being sent over any telegraph line, or shall willfully and fraudulently or clandestinely learn or attempt to learn the contents or meaning of any message while the same is in any telegraph office, or is being received thereat, or is sent therefrom, or shall use or attempt to use, or communicate to others, any information so obtained by any person, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine not to exceed one thousand dollars, or imprisonment not to exceed one year, or by both such fine and imprisonment, in the discretion of the court.

Bribing operator to disclose private message. Ibid. Ibid., s. 2008.

SEC. 178. If any person shall, by the payment or promise of any bribe, inducement, or reward, procure or attempt to procure any telegraph agent, operator, or employee to disclose any private message, or the contents, purport, substance, or meaning thereof, or shall offer to any such agent, operator, or employee any bribe, compensation, or reward for the disclosure of any private information received by him, by reason of his trust as such agent, operator, or employee, or shall use or attempt to use any such information so obtained, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine not to exceed one thousand dollars, or imprisonment not to exceed one year, or by both such fine and imprisonment, in the discretion of the court.

CHAPTER TWELVE.

PROTECTION OF FUR-BEARING ANIMALS AND SALMON.

Sec.
179. Killing of fur-bearing animals prohibited.
180. Power to arrest persons and seize vessels.
181. Remission of fines, etc.
182. Saint Paul and Saint George islands declared special reservation.
183. Killing of seal upon them prohibited, when.
184. Killing of certain seal prohibited.
185. Obstructions in streams preventing ascent of salmon prohibited.
186. Methods and times of fishing regulated.
187. Concerning grounds and close seasons.
188. Inspectors.
189. Punishment for violations.

Killing of fur-bearing animals prohibited.
27 July, 1868.
R. S. U. S., 1878, s. 1956.

SEC. 179. No person shall kill any otter, mink, marten, sable, or fur seal, or other fur bearing animal within the limits of Alaska Territory, or in the waters thereof; and every person guilty thereof shall, for each offense, be fined not less than two hundred nor more than one thousand dollars, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo, found engaged in violation of this section shall be forfeited; but the Secretary of the Treasury shall have power to authorize the killing of any such mink, marten, sable, or other fur-bearing animal, except fur seals, under such regulations as he may prescribe; and it shall be the duty of the Secretary to prevent the killing of any fur seal and to provide for the execution of the provisions of this section until it is otherwise provided by law; nor shall he grant special privileges under this section.

Power to arrest persons and seize vessels.
27 July, 1868.
1 July, 1870.
R. S. U. S., 1878, s. 1957.

SEC. 180. The collector and deputy collectors appointed for Alaska Territory, and any person authorized in writing by either of them, or by the Secretary of the Treasury, shall have power to arrest persons and seize vessels and merchandise liable to fines, penalties, or forfeitures under this and the other laws extended over the Territory, and to keep and deliver the same to the marshal.

NOTE.—Section 1957 Revised Statutes is as follows:

"*Until otherwise provided by law, all violations of this chapter, and of the several laws hereby extended to the Territory of Alaska and the waters thereof, committed within the limits of the same, shall be prosecuted in any district court of the United States in California or Oregon, or in the district courts of Washington; and* the collector and deputy collectors appointed for Alaska Territory, and any person authorized in writing by either of them, or by the Secretary of the Treasury, shall have power to arrest persons and seize vessels and merchandise liable to fines, penalties, or forfeitures under this and the other laws extended over the Territory, and to keep and deliver the same to the marshal *of some one of such courts; and such courts shall have original jurisdiction, and may take cognizance of all cases arising under this act and the several laws hereby extended over the Territory, and shall proceed therein in the same manner and with the like effect as if such cases had arisen within the district or Ter-*

ritory where the proceedings are brought." It is the opinion of the commissioners that those parts of section 1957 which are printed in italics are repealed by the act of Congress entitled "An act to provide a civil government for Alaska," approved May 17, 1884, and that the jurisdiction conferred upon the United States district courts of California, Oregon, and Washington over the offenses named can now only be exercised by the district court of Alaska. But see section 5 of "An act prohibiting the killing of fur seals in the waters of the North Pacific Ocean," approved December 29, 1897.

Remission of fines, etc. 27 July, 1868. R. S. U. S., 1878, s. 1958.

SEC. 181. In all cases of fine, penalty, or forfeiture embraced in the act approved March third, seventeen hundred and ninety-seven, chapter thirteen, or mentioned in any act in addition to or amendatory of such act, that have occurred or may occur in the collection district of Alaska, the Secretary of the Treasury is authorized, if in his opinion the fine, penalty, or forfeiture was incurred without willful negligence or intention of fraud, to ascertain the facts in such manner and under such regulations as he may deem proper, without regard to the provisions of the act above referred to; and upon the facts so to be ascertained he may exercise all the power of remission conferred upon him by that act as fully as he might have done had such facts been ascertained under and according to the provisions of that act.

Saint Paul and Saint George islands declared special reservation. 3 March, 1869. R. S. U. S., 1878, s. 1959.

SEC. 182. The islands of Saint Paul and Saint George, in Alaska, are declared a special reservation for Government purposes; and until otherwise provided by law it shall be unlawful for any person to land or remain on either of those islands, except by authority of the Secretary of the Treasury; and any person found on either of those islands contrary to the provisions hereof shall be summarily removed; and it shall be the duty of the Secretary of War to carry this section into effect.

Killing of seal upon them prohibited, when. 1 July, 1870. 16 Stat. L., c. 189, s. 1. 24 March, 1874. 18 Stat. L., c. 64. R. S. U. S., 1878, s. 1960.

SEC. 183. It shall be unlawful to kill any fur seal upon the islands of Saint Paul and Saint George, or in the waters adjacent thereto, except during the months of June, July, September, and October in each year; and it shall be unlawful to kill such seals at any time by the use of firearms or by other means tending to drive the seals away from those islands; but the natives of the islands shall have the privilege of killing such young seals as may be necessary for their own food and clothing during other months, and also such old seals as may be required for their own clothing and for the manufacture of boats for their own use; and the killing in such cases shall be limited and controlled by such regulations as may be prescribed by the Secretary of the Treasury.

Killing of certain seal prohibited.
Ibid., s. 2.
R.S.U.S., 1878, s. 1961.

SEC. 184. It shall be unlawful to kill any female seal or any seal less than one year old at any season of the year, except as above provided; and it shall also be unlawful to kill any seal in the waters adjacent to the islands of Saint Paul and Saint George, or on the beaches, cliffs, or rocks where they haul up from the sea to remain; and every person who violates the provisions of this or the preceding section shall be punished for each offense by a fine of not less than two hundred dollars nor more than one thousand dollars, or by imprisonment not more than six months, or by both such fine and imprisonment; and all vessels, their tackle, apparel, and furniture, whose crews are found engaged in the violation of either this or the preceding section shall be forfeited to the United States.

NOTE.—In connection with sections 183 and 184 see "An act to give effect to the award rendered by the Tribunal of Arbitration at Paris, under the treaty between the United States and Great Britain concluded at Washington February 29, 1892, for the purpose of submitting to arbitration certain questions concerning the preservation of fur seals," approved April 6, 1894 (28 Stat. L., c. 57), as amended by the act approved April 24, 1894 (Ibid., c. 63); also, "An act prohibiting the killing of fur seals in the waters of the North Pacific Ocean," approved December 29, 1897, which is as follows:

"SEC. 1. That no citizen of the United States, nor person owing duty of obedience to the laws or treaties of the United States, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or hunt, at any time or in any manner whatever, any fur seal in the waters of the Pacific Ocean north of the thirty-fifth degree of north latitude and including Bering Sea and the sea of Okhotsk.

"SEC. 2. That no citizen of the United States, nor person above described in section one, shall equip, use, or employ, or furnish aid in equipping, using, or employing, or furnish supplies to any vessel used or employed, or to be used or employed, in carrying on or taking part in said killing, capturing, or hunting of fur seals in said waters, nor shall any vessel of the United States be so used or employed.

"SEC. 3. That every person guilty of a violation of the provisions of this act, or of any regulations made thereunder, shall, for each offense, be fined not less than two hundred nor more than two thousand dollars, or imprisoned not more than six months, or both; and every vessel, its tackle, apparel, furniture, and cargo, at any time used or employed in violation of this act, or of the regulations made thereunder, shall be forfeited to the United States.

"SEC. 4. That if any vessel of the United States shall be found within the waters to which this act applies, having on board fur-seal skins, or apparatus or implements suitable for killing or taking seals, it shall be presumed that such vessel was used or employed in the killing of said seals, or that said apparatus or implements were used in violation of this act, until the contrary is proved to the satisfaction of the court.

"SEC. 5. That any violation of this act, or of the regulations thereunder, may be prosecuted either in the district court of Alaska or in

any district court of the United States in California, Oregon, or Washington.

"SEC. 6. That this act shall not interfere with the privileges accorded to Indians dwelling on the coast of the United States under section six of the act of April sixth, eighteen hundred and ninety-four, but the limitations prescribed in said act shall remain in full force.

"SEC. 7. That this act shall not effect in any way the killing or taking of fur seals upon the Pribilof Islands, or the laws of the United States relating thereto.

"SEC. 8. That any officer of the Naval or Revenue-Cutter Service of the United States, and any other officers duly designated by the President, may search any vessel of the United States, in port or on the high seas, suspected of having violated or of having an intention to violate the provisions of this act, and may seize such vessel and offending officers and crew and bring them into the most accessible port of the United States and Territory mentioned in section five of this act for trial.

"SEC. 9. That the importation into the United States by any person whatsoever of fur-seal skins, taken in the waters mentioned in this act, whether raw, dressed, dyed or manufactured, is hereby prohibited, and all such articles imported after this act shall take effect shall not be permitted to be exported, but shall be seized and destroyed by the proper officers of the United States.

"SEC. 10. That the President shall have power to make all necessary regulations to carry this act into effect."

Obstructions in streams preventing ascent of salmon prohibited. June 9, 1896. 29 Stat. L., 318.

SEC. 185. That the erection of dams, barricades, fish-wheels, fences, or any such fixed or stationary obstructions in any part of the rivers or streams of Alaska or to fish for or catch salmon or salmon trout in any manner or by any means, with the purpose or result of preventing or impeding the ascent of salmon to their spawning ground is hereby declared to be unlawful, and the Secretary of the Treasury is hereby authorized and directed to remove such obstructions and to establish and enforce such regulations and surveillance as may be necessary to insure that this prohibition and all other provisions of law relating to the salmon fisheries of Alaska are strictly complied with.

Methods and times of fishing regulated. Ibid. Ibid.

SEC. 186. That it shall be unlawful to fish, catch, or kill any salmon of any variety except with rod or spear above the tide waters of any creeks or rivers of less than five hundred feet width in the Territory of Alaska, except only for purposes of propagation, or to lay or set any drift net, set net, trap, pound net, or seine for any purpose across the tide waters of any river or stream for a distance of more than one-third of the width of such river, stream, or channel, or lay or set any seine or net within one hundred yards of any other net or seine which is being laid or set in said stream or channel, or to take, kill, or fish for salmon in any manner, or by any means, in any of the waters of the Territory of Alaska, either in the streams or tide waters,

except Cook Inlet, Prince William Sound, Bering Sea, and the waters tributary thereto, from midnight on Friday of each week until six o'clock antemeridian of the Sunday following; or to fish for or catch, or kill in any manner, or by any appliances except by rod or spear, any salmon in any stream of less than one hundred yards in width in the said Territory of Alaska between the hours of six o'clock in the evening and six o'clock in the morning of the following day of each and every day of the week.

Concerning grounds and close seasons. Ibid. Ibid.

SEC. 187. That the Secretary of the Treasury may, at his discretion, set aside any streams as spawning grounds, in which no fishing will be permitted; and when, in his judgment, the results of fishing operations on any stream indicate that the number of salmon taken is larger than the capacity of the stream to produce, he is authorized to establish weekly close seasons, to limit the duration of the fishing season, or to prohibit fishing entirely for one year or more, so as to permit salmon to increase: *Provided, however*, That such power shall be exercised only after all persons interested shall have been given a hearing, of which hearing due notice must be given by publication: *And provided further*, That it shall have been ascertained that the persons engaged in catching salmon do not maintain fish hatcheries of sufficient magnitude to keep such streams fully stocked.

Inspectors. Ibid. Ibid.

SEC. 188. That to enforce the provisions of law herein and such regulations as the Secretary of the Treasury may establish in pursuance thereof, he is authorized and directed to appoint one inspector of fisheries, at a salary of one thousand eight hundred dollars per annum, and two assistant inspectors, at a salary of one thousand six hundred dollars each per annum; and he will annually submit to Congress estimates to cover the salaries and actual traveling expenses of the officers hereby authorized and for such other expenditures as may be necessary to carry out the provisions of the law herein.

Punishment for violations. Ibid. Ibid.

SEC. 189. That any person violating the provisions of the four sections last preceding or the regulations established in pursuance thereof shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars or imprisonment at hard labor for a term of ninety days, or both such fine and imprisonment, at the discretion of the court; and, further, in case of the violation of any of the provisions of section one hundred and eighty-five, and conviction thereof, a further fine of two hundred and fifty dollars per diem will be imposed for each day that the obstruction or obstructions therein are maintained.

CHAPTER THIRTEEN.

MISCELLANEOUS PROVISIONS AND DEFINITIONS.

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191. Parties to crimes.
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208. Evidence given by a person may be used against him on a prosecution for perjury.
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210. Court to ascertain and impose punishments.
211. In prosecution for libel, truth may be given in evidence.
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213. "Dwelling house," definition of, in relation to arson.
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216. Certain terms presumed to be used in a certain sense.
217. "Willfully," import of.
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224. "Signature," what it includes.
225. "Writing" includes printing.
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227. The term "person," what it includes.
228. The singular number includes the plural.
229. Masculine gender, what it comprehends.
230. Intent to defraud, what sufficient.
231. Criminal prosecution not to exclude other remedy or penalty.
232. Morbid propensity to crime.
233. This act not to be construed as a penal statute.

SEC. 190. Crimes are divided into felonies and misdemeanors. A felony is a crime punishable with death, or which is or may be punishable by imprisonment in the penitentiary. Every other crime is a misdemeanor.

Felonies and misdemeanors. Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, ss. 1201, 1202, 1203.

SEC. 191. The parties to crime are classified as—

1. Principals.
2. Accessories.

Parties to crimes. Ibid. Ibid., s. 2010.

SEC. 192. All persons concerned in the commission of a crime, whether it be felony or misdemeanor and whether they directly commit the act constituting the crime or aid and abet in its commission though not present, are principals, and to be tried and punished as such.

Principals, who deemed such. Ibid. Ibid., s. 2011. State v. Moran, 15 Oreg., 275.

SEC. 193. All persons who, after the commission of any felony, conceal or aid the offender, with knowldge that he has committed a felony and with intent that he may avoid or escape from arrest, trial, conviction, or punishment, are accessories.

Accessories, who deemed such. Ibid. Ibid., s. 2012. State v. Kirk, 10 Oreg., 505.

SEC. 194. In misdemeanor, there are no accessories.

No accessories in misdemeanor. Ibid. Ibid., s. 2013.

Accessories, how punished.
Ibid.
Ibid., s. 2014.

SEC. 195. Except in cases where a different punishment is prescribed by law, an accessory to a felony, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one year nor more than five years, or by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than one hundred dollars nor more than five hundred dollars.

Person not punishable for omission when performed by another.
Ibid.
Ibid., s. 2015.

SEC. 196. No person is punishable for an omission to perform an act where such act has been performed by another person acting in his behalf, and competent by law to perform it.

Misdemeanor, punishment for, when not otherwise prescribed.
Ibid.
Ibid., s. 2016.
State v. Gaunt, 13 Oreg., 115.

SEC. 197. Whenever, by any law relating to said district, an act is declared to be a misdemeanor, and no punishment is prescribed therefor, the person committing the same, upon conviction thereof, shall be punished by imprisonment in the county jail not more than one year, or by fine not more than five hundred dollars.

Attempt to commit crime, punishment of.
Ibid.
Ibid., s. 2017.

SEC. 198. If any person attempts to commit any crime, and in such attempt does any act towards the commission of such crime, but fails or is prevented or intercepted in the perpetration thereof, such person, when no other provision is made by law for the punishment of such attempt, upon conviction thereof, shall be punished as follows:

1. If the crime so attempted be punishable by imprisonment in the penitentiary or county jail, the punishment for the attempt shall be by like imprisonment, as the case may be, for a term not more than half the longest period prescribed as a punishment for such crime;

2. If the crime so attempted be punishable by fine, the punishment for the attempt shall be by fine not more than half the amount of the largest fine prescribed as a punishment for such crime.

Preceding section, how construed.
Ibid.
Ibid., s. 2018.

SEC. 199. The section last preceding must not be construed to protect a person who, in attempting unsuccessfully to commit a crime, accomplishes another or different crime, whether greater or less in guilt, from suffering the punishment prescribed by law for the crime committed.

Computation of sentence.
Ibid.
Ibid., s. 2019.

SEC. 200. When a person is sentenced to imprisonment in the penitentiary, his term of confinement therein commences from the day of his delivery at such prison to the proper officer thereof, and no time during which such person is voluntarily absent from such penitentiary can be estimated or counted as a part of the term for which such person was sentenced.

Treatment of convicts.
Ibid.
Ibid., s. 2020.

SEC. 201. A judgment of imprisonment in the penitentiary need only specify the duration and place of such con-

finement, and thereafter the manner of the confinement and the treatment and employment of the person so sentenced shall be regulated and governed by whatever law may be in force prescribing the discipline of the penitentiary wherein he is confined and the treatment and employment of persons sentenced to confinement therein.

Judgment of imprisonment in penitentiary, effect of.
Ibid.
Ibid., s. 2021.

SEC. 202. A judgment of imprisonment in the penitentiary for any term less than for life suspends all civil rights of the person so sentenced, and forfeits all public offices and all private trusts, authority, or power during the term or duration of such imprisonment.

Judgment of imprisonment for life.
Ibid.
Ibid., s. 2022.

SEC. 203. A person sentenced to imprisonment in the penitentiary for life is thereafter deemed civilly dead.

Person of a convict under the protection of law.
Ibid.
Idid., s. 2023.

SEC. 204. The person of a convict sentenced to imprisonment in the penitentiary is under the protection of the law, and any injury to his person not authorized by law is punishable in the same manner as if he was not convicted or sentenced.

Sentences to penitentiary, how executed.
1 Supp. R. S., p. 434, s. 10.

SEC. 205. Whenever, in pursuance of the provisions of this act, any person is sentenced to imprisonment in the penitentiary, such sentence may be executed by the confinement of such person in the building at Sitka, in said district, now used for that purpose, or in any other place of confinement within or without the said district that may be designated by the court, and his place of imprisonment may be changed at any time, and from time to time, upon the order of the Attorney-General.

"Jail," definition of.

SEC. 206. Whenever the words "jail" or "county jail" occur in this act, the same shall be held to mean any house, building, structure, ship, or vessel used or suitable for the confinement of persons serving sentences for crime or awaiting trial therefor.

Sentences to county jail, how executed.
Laws Oreg., Oct. 19, 1864.
Hill's Ann. Laws, s. 2024.

SEC. 207. The commencement and termination of a sentence of imprisonment in the county jail is to be ascertained by the rule prescribed in section one hundred and ninety-nine, and the manner of such confinement and the treatment of persons so sentenced shall be governed by whatever law may be in force prescribing the discipline of county jails.

Evidence given by a person may be used against him on a prosecution for perjury.
Ibid.
Ibid., s. 2025.

SEC. 208. Any section of this act which declares that evidence obtained upon the examination of a person as a witness shall not be received against him in a criminal proceeding does not forbid such evidence being proved against such person upon any proceedings founded upon a charge of perjury committed by such person in such examination.

Conviction of crime not to work forfeiture of property. Lien of U. S.
Ibid.
Ibid., s. 2026.
Whitley v. Murphey, 5 Oreg., 328. State v. O'Neil, 7 Oreg., 141. State v. Munds, 7 Oreg., 80. Knobb v. Shaw, 5 Oreg., 482.

SEC. 209. No conviction of any person for crime works any forfeiture of any property, except in cases where the same is expressly provided by law; but in all cases of the commission or attempt to commit a felony the United States has a lien, from the time of such commission or attempt, upon all the property of the defendant for the purpose of satisfying any judgment which may be given against him for any fine on account thereof, and for the costs and disbursements in the proceedings against him for such crime.

Court to ascertain and impose punishments.
Ibid.
Ibid., s. 2027.

SEC. 210. The several sections of this act which declare certain crimes to be punishable as therein mentioned devolve a duty upon the court authorized to pass sentence to determine and impose the punishment prescribed, and whenever such punishment is left undetermined between certain limits or kinds, to determine the punishment to be inflicted in a particular case.

In prosecutions for libel, truth may be given in evidence.
Ibid.
Ibid., s. 2028.

SEC. 211. In all criminal prosecutions for libel the truth may be given in evidence, and if it shall appear to the jury that the matter charged as libelous is true and was published with good motives and justifiable ends, the defendant must be found not guilty.

Presumption in case of injurious publication.
Ibid.
Ibid., s. 2029.

SEC. 212. An injurious publication is presumed to have been malicious if no justifiable end or good motive is shown for making it.

"Dwelling house," definition of, in relation to arson.
Ibid.
Ibid., s. 2030.

SEC. 213. Any building is deemed a "dwelling house" within the meaning of the sections of this act defining the crime of arson any part of which has usually been occupied by any person lodging therein at night.

"Dwelling house," definition of, in relation to burglary.
Ibid.
Ibid., s. 2031.

SEC. 214. Any building is deemed a "dwelling house" within the meaning of the sections of this act defining the crime of burglary any part of which has usually been occupied by any person lodging therein at night, and any structure joined to or immediately connected with such building.

"Night time," definition of, in relation to arson and burglary.
Ibid.
Ibid., s. 2032.

SEC. 215. The words "night time," when used in this act in reference to the commission of the crimes of arson or burglary, include the period between sunset and sunrise.

Certain terms presumed to be used in a certain sense.
Ibid.
Ibid., s. 2033.

SEC. 216. Whenever the terms mentioned in the following sections are employed in this act, they are deemed to be employed in the senses hereafter affixed to them, except when a different sense plainly appears.

"Willfully," import of.
Ibid.
Ibid., s. 2034.

SEC. 217. The term "willfully," when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or omission

referred to, and does not require any intent to violate law, to injure another, or to acquire any advantage.

"Neglect," "negligence," "negligent," and "negligently," import of. Ibid. Ibid., s. 2035.

SEC. 218. The terms "neglect," "negligence," "negligent," and "negligently," when so employed, import a want of such attention to the nature or probable consequences of the act or omission referred to as a prudent man ordinarily bestows in acting in his own concerns.

"Corruptly," import of. Ibid. Ibid., s. 2036.

SEC. 219. The term "corruptly," when so employed, imports a wrongful design to acquire some pecuniary or other advantage to the person guilty of the act or omission referred to.

"Malice" and "maliciously," import of. Ibid. Ibid., s. 2037.

SEC. 220. The terms "malice" and "maliciously," when so employed, import a wish to vex, annoy, or injure another person, established either by proof or presumption of law.

"Wrongfully," import of. Ibid. Ibid., s. 2038.

SEC. 221. The term "wrongfully," when applied to the commission of an act, implies simply that the act was done in violation of right or without authority of law.

"Wantonly," import of. Ibid. Ibid., s. 2039.

SEC. 222. The term "wantonly," when applied to the commission of an act, implies that the act was done with a purpose to injure or destroy without cause and without reference to any particular person.

"Knowingly," import of. Ibid. Ibid., s. 2040.

SEC. 223. The term "knowingly," when so employed, imports only a knowledge that the facts exist which bring the act or omission within the provisions of this act, and does not require any knowledge of the unlawfulness of such act or omission.

"Signature," what it includes. Ibid. Ibid., s. 2041.

SEC. 224. The term "signature," includes any name, mark, or sign written with intent to authenticate any instrument or writing.

"Writing," includes printing. Ibid. Ibid., s. 2042.

SEC. 225. The term "writing," includes printing.

"Property," includes both real and personal. Ibid. Ibid., s. 2043.

SEC. 226. The term "property," includes both real and personal property.

The term "person," what it includes. Ibid. Ibid., s. 2044.

SEC. 227. The word "person," includes corporations as well as natural persons; and where such word is used to designate the party whose property may be the subject of a crime, it includes said district, or any State, government, or country which may lawfully own any property in said district, and all municipal or public corporations and private corporations, as well as individuals.

The singular number includes the plural. Ibid. Ibid., s. 2045.

SEC. 228. The singular number includes the plural, and the plural the singular.

Masculine gender, what it comprehends. Ibid. Ibid., s. 2046.

SEC. 229. Words sued in the masculine gender comprehend as well the feminine and the neuter.

Intent to defraud, what sufficient.
Ibid.
Ibid., s. 2047.

SEC. 230. Whenever, by any provision of this act, an intent to defraud is necessary to constitute a crime, it is sufficient if an intent appears to defraud any person, body politic, or corporation whatever.

Criminal prosecution not to exclude other remedy or penalty.
Ibid.
Ibid., s. 2048.

SEC. 231. The omission to specify or affirm in this act any liability to any damages, penalty, or forfeiture, or other remedy imposed by law, and allowed to be recovered or enforced in any civil action or proceeding, for any act or omission declared punishable herein, does not affect any right to recover or enforce the same.

Morbid propensity to crime.
Ibid.
Ibid., s. 2049.

SEC. 232. A morbid propensity to commit prohibited acts, existing in the mind of a person who is not shown to have been incapable of knowing the wrongfulness of such acts, forms no defense to a prosecution therefor.

This act not to be construed as a penal statute.
Ibid.
Ibid., s. 2050.

SEC. 233. The rule of the common law, that penal statutes are to be strictly construed, has no application to this act, but all its provisions are to be construed according to the fair import of their terms, with a view to effect its objects and to promote justice.

ALASKA CODE OF CRIMINAL PROCEDURE.

A BILL FOR AN ACT TO PROVIDE A CODE OF CRIMINAL PROCEDURE FOR THE DISTRICT OF ALASKA.

CHAPTER ONE.

PRELIMINARY PROVISIONS.

Sec.
1. Crimes and offenses, how prosecuted.
2. Definition of a crime or public offense.
3. Division of crimes.
4. Definition of a felony.
5. Definition of a misdemeanor.
6. Felonies, how prosecuted.
7. Criminal action defined.
8. Parties to a criminal action.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That proceedings for the punishment and prevention of the crimes defined in the laws of the United States applicable to the District of Alaska, as revised and codified by the commissioners appointed under the authority of an act of Congress approved June fourth, eighteen hundred and ninety-seven, shall be conducted in the manner herein provided.

Crimes, how prosecuted.

SEC. 2. A crime or public offense is an act or omission forbidden by law, and punishable upon conviction by either of the following punishments:

Definition of crime. Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, s. 1200.

1. Death;
2. Imprisonment;
3. Fine;
4. Removal from office;
5. Disqualification to hold and enjoy any office of honor, trust, or profit.

SEC. 3. Crimes are divided into—

Division of crimes. Ibid. Ibid., s. 1201.

1. Felonies; and
2. Misdemeanors.

SEC. 4. A felony is a crime punishable with death, or which is or may be punishable by imprisonment in the penitentiary.

Felony defined. Ibid. Ibid., s. 1202.

SEC. 5. Every other crime is a misdemeanor.

Misdemeanor defined. Ibid. Ibid., s. 1203.

SEC. 6. No person can be tried for the commission of a felony but upon the indictment of a grand jury.

Felonies, how prosecuted. Ibid. Ibid., s. 1204.

Criminal action defined.
Ibid.
Ibid., s. 1205.

SEC. 7. The proceeding by which a person is tried and punished for the commission of a crime is known in this act as a criminal action.

Parties to criminal actions.
Ibid.
Ibid., s. 1206.

SEC. 8. In a criminal action in the District of Alaska the United States is the plaintiff and the person prosecuted is the defendant.

CHAPTER TWO.

OF THE TIME OF COMMENCEMENT OF CRIMINAL ACTIONS.

Sec.
9. Criminal actions, when commenced.

Criminal actions, when commenced.
R. S. U. S., 1878, c. 19; 19 Stat. L., c. 56.
17 Wall., 168; 98 U. S., 450; 100 Id., 33; 102 Id., 201.

SEC. 9. Criminal actions must be commenced within the periods prescribed in the laws of the United States now in force or that may be hereinafter enacted.

CHAPTER THREE.

OF THE JURISDICTION AND PLACE OF CRIMINAL ACTIONS.

Sec.
10. When crime commenced without, but consummated within, this district.
11. Murder or manslaughter committed by means used without the district.
12. When conviction or acquittal in another jurisdiction is a bar.

Jurisdiction where crime commenced out of but consummated in district.
Laws Oreg., Oct. 19, 1864.
Hill's Ann. Laws, s. 1212.

SEC. 10. When the commission of a crime commenced without said district is consummated within its boundaries, the defendant is liable to punishment therefor in said district if he be afterwards found therein, though he were out of the district at the time of the commission of the crime charged, provided he consummated it in said district, through the intervention of an innocent or guilty agent, or by any means proceeding directly from himself.

Murder or manslaughter without district.
Ibid.
Ibid., s. 1213.

SEC. 11. When the crime of murder or manslaughter has been committed by means of a mortal wound given, or injury inflicted, or poison administered without said district, and the person so wounded, injured, or poisoned shall die thereof within said district, the person committing such crime is liable to punishment therefor in said district provided he be found or come therein; and in such case, the action therefor may be commenced and tried in the county where the death may happen.

When conviction or acquittal in another jurisdiction is a bar.
Ibid.
Ibid., s. 1219.

SEC. 12. When an act declared to be a crime is within the jurisdiction of any State, country, or territory, as well as of said district, a conviction or acquittal therefor in the former is a bar to a prosecution therefor in said district.

CHAPTER FOUR.

OF THE GRAND JURY.

Sec.
13. Grand jury, how selected and summoned.
14. Qualifications of grand jurors.
15. Who are exempt.

Grand jury, how selected. R. S. U. S., 1878, ss. 808, 809, 810. 23 Stat. L., c. 52, s. 2.

SEC. 13. Grand juries, to inquire of the crimes designated in section one of this act, committed or triable within said district, shall be selected and summoned, and their proceedings shall be conducted, in the manner prescribed by the laws of the United States with respect to grand juries of the United States district and circuit courts; the true intent and meaning of this section being that but one grand jury shall be summoned to inquire into all offenses committed or triable within said district, as well those that are designated in section one of this act as those that are defined in other laws of the United States.

Qualifications of grand jurors. Laws Oreg., Oct. 24, 1882. Hill's Ann. Laws, s. 947.

SEC. 14. A person is not competent to act as a juror unless he be a citizen of the United States, a male inhabitant of the district, over twenty-one years of age, and in possession of his natural faculties and of sound mind. Nor is any person competent to act as a juror who has been convicted of any felony or a misdemeanor involving moral turpitude.

Who are exempt. Laws Oreg., Oct. 11, 1862. Hill's Ann. Laws, s. 948.

SEC. 15. A person is exempt from liability to act as a grand juror if he be—

(1) A judicial officer;

(2) Any other civil officer of said district or of the United States whose duties are at the time inconsistent with his attendance as a juror;

(3) An attorney;

(4) A minister of the gospel or priest of any denomination;

(5) A teacher in a college, academy, or school;

(6) A practicing physician;

(7) An acting noncommissioned officer, musician, or private of a military organization, duly enrolled in the service of the United States or of said district.

CHAPTER FIVE.

OF THE POWERS AND DUTIES OF THE GRAND JURY.

Sec.
16. Duty of grand jury.
17. May indict whether defendant has been held to answer or not.
18. When grand jury may present for opinion of court.
19. Presentment, duty of court in relation thereto.
20. Foreman may administer oaths to witnesses.
21. Grand jury to hear legal evidence only.
22. May order explanatory evidence to be produced.
23. What evidence will warrant indictment.
24. Grand juror must disclose his knowledge of commission of crime.
25. Grand jury to investigate prisons and offices.
26. To have access to prisons and records.
27. District attorney to present indictment, when.
28. Same subject.
29. District attorney must attend sittings. Who may be present.
30. Indictment not to be found on statement of juror unless sworn.
31. When grand juror bound to disclose testimony of a witness.
32. For what grand juror may be questioned.

Duty of grand jury.
Laws Oreg., Oct. 19, 1864.
Hill's Ann. Laws, s. 1242.

SEC. 16. The grand jury have power, and it is their duty, to inquire into all crimes committed or triable within the jurisdiction of the court, and present them to the court, either by presentment or indictment, as provided in this act.

May indict whether defendant has been held to answer or not.
Ibid.
Ibid., s. 1243.

SEC. 17. The grand jury may indict or present a person for a crime, when they believe him guilty thereof, whether such person has been held to answer for such crime or not.

When grand jury may present for opinion of court.
Ibid.
Ibid., s. 1244.

SEC. 18. When the grand jury are in doubt whether the facts, as shown by the evidence before them, constitute a crime in law, or whether the same has ceased to be punishable by reason of lapse of time or a former acquittal or conviction, they may make a presentment of the facts to the court, without mentioning names of individuals, and ask the court to instruct them concerning the law arising thereon.

Presentment, duty of court in relation thereto.
Ibid.
Ibid., s. 1245.

SEC. 19. A presentment can not be found and presented to the court except as provided in the last preceding section, and when so found and presented the court shall give such instructions to the grand jury concerning the law of the case as it may think proper and necessary.

Foreman may administer oaths to witnesses.
Ibid.
Ibid., s. 1246.

SEC. 20. The foreman of the grand jury may administer an oath to any witness appearing before them.

Grand jury to hear legal evidence only.
Ibid.
Ibid., s. 1247.

SEC. 21. In the investigation of a charge for the purpose of indictment, the grand jury shall receive no other evidence than such as might be given on the trial of the person charged with the crime in question.

May order explanatory evidence to be produced.
Ibid.
Ibid., s. 1248.
Charge to grand jury, 2 Sawy. 667, 670.

SEC. 22. The grand jury are not bound to hear evidence for the defendant, but it is their duty to weigh all the evidence submitted to them, and when they have reason to believe that other evidence within their reach will explain away the charge, they should order such evidence to be

produced, and for that purpose may require the district attorney to issue process for the witnesses.

SEC. 23. The grand jury ought to find an indictment when all the evidence before them, taken together, is such as in their judgment would, if unexplained or uncontradicted, warrant a conviction by the trial jury.

What evidence will warrant indictment.
Ibid.
Ibid., s. 1249.

SEC. 24. If an individual grand juror know, or have reason to believe, that a crime has been committed which is triable by the court, he must disclose the same to his fellow jurors, who must thereupon investigate the same.

Grand juror must disclose his knowledge of commission of crime.
Ibid.
Ibid., s. 1250.

SEC. 25. In addition to the power and duty above prescribed the grand jury have power, and it is their duty, to inquire—

Grand jury to investigate prisons and offices.
Ibid.
Ibid., s. 1251.

1. Into the condition and management of every public prison in the district; and

2. Into the condition and management of the offices pertaining to the courts of justice in the district.

SEC. 26. They shall be entitled to free access at all reasonable times to the prisons and offices mentioned in the last preceding section, and also to the examination, without charge, of all public records in the district.

To have access to prisons and records.
Ibid.
Ibid., s. 1252.

SEC. 27. The district attorney must submit an indictment to the grand jury and cause the evidence in support thereof to be brought before them in case of every person held to answer a criminal charge in the court wherein such jury is formed.

District attorney to present indictment, when.
Ibid.
Ibid., s. 1253.

SEC. 28. The district attorney may submit an indictment to the grand jury in any case when he has good reason to believe that a crime has been committed which is triable by the court.

Same subject.
Ibid.
Ibid., s. 1254.

SEC. 29. The district attorney, when required by the grand jury, must prepare indictments or presentments for them and attend their sittings to advise them in relation to their duties or to examine witnesses in their presence; but no person other than the district attorney or a witness actually under examination can be allowed to be present during the sittings of the grand jury, nor either such attorney or witness when the grand jury are deliberating or voting upon a matter before them.

District attorney must attend sittings.
Who may be present.
Ibid.
Ibid. s. 1255.
State v. Justus, 11 Oreg., 178.
State v. Whitney, 7 Oreg., 386.

SEC. 30. An indictment or presentment must not be found upon the statement of a grand juror unless he be sworn and examined as a witness.

Indictment not to be found on statement of juror unless sworn.
Ibid. Ibid., s. 1246.

SEC. 31. A member of a grand jury may be required by any court to disclose the testimony of a witness examined before such grand jury, for the purpose of ascertaining

When grand juror bound to disclose testimony of a witness.

Ibid.
Ibid., s. 1257.
U. S. v. Charles, 2 Cranch, C. C., 76.
State v. Moran, 15 Oreg., 274.

whether it is consistent with that given by the witness before the court, or to disclose the testimony given before such grand jury by any person upon a charge against such person for perjury, or upon his trial therefor.

For what grand juror may be questioned.
Ibid.
Ibid., s. 1258.

SEC. 32. A grand juror can not be questioned for anything he may say, or any vote he may give while acting as such, in relation to any matter legally pending before the grand jury, except for a perjury, of which he may have been guilty in giving testimony before such jury.

CHAPTER SIX.

OF THE FINDING AND PRESENTATION OF THE INDICTMENT.

Sec.
33. The indictment must be found by twelve jurors and indorsed by foreman.
34. Witnesses' names to be indorsed on indictment; when marked as prosecutor.
35. Indictment, how presented; a public record, and when not subject to public inspection.
36. Grand juror or officer not to disclose indictment when not subject to public inspection.
37. Proceeding when indictment not found "a true bill."
38. Indictment, effect of, when returned "not a true bill."
39. Presentment, definition of, and how made.

Indictment must be found by twelve jurors and indorsed by foreman.
R. S., U. S., 1878, s. 1021.
Laws Oreg., Oct. 19. 1864. Hill's Ann. Laws, s. 1259.

SEC. 33. An indictment can not be found without the concurrence of at least twelve grand jurors; and when so found it must be indorsed "a true bill," and such indorsement signed by the foreman of the jury.

Witnesses' names to be indorsed on indictment; when marked as prosecutor.
Ibid.
Ibid., s. 1260.

SEC. 34. When an indictment is found the names of the witnesses examined before the grand jury must be inserted at the foot of the indictment, or indorsed thereon, before it is presented to the court; and if the indictment be for a misdemeanor only, and any witness has voluntarily appeared before the grand jury to complain of the defendant, his name must be marked as private prosecutor.

Indictment, how presented; a public record, when and when not.
Ibid.
Ibid., s. 1261.

SEC. 35. An indictment, when found by the grand jury, as prescribed in the two sections last preceding, must be presented by their foreman, in their presence, and filed with the clerk, and remain in his office as a public record; but if the defendant has not been held to answer the charge, neither the indictment nor any order or process in relation thereto must be inspected by any person other than the judge of the court or an officer thereof in discharge of a duty concerning the same until after the arrest of the defendant.

Grand juror or officer, when not to disclose indictment.
Ibid.
Ibid., s. 1262.

SEC. 36. No grand juror or officer of the court must disclose any fact concerning such indictment while it is not subject to public inspection; and the violation of this section, or the prohibitions of the section last preceding, is punishable as a contempt.

SEC. 37. When a person has been held to answer a criminal charge, and the indictment in relation thereto is not found "a true bill," as provided in section thirty-three, it must be indorsed "not a true bill," which indorsement must be signed by the foreman, and presented to the court and filed with the clerk, and remain a public record; but in the case of an indictment not found "a true bill" against a person not so held, the same, together with the minutes of the evidence in relation thereto, must be destroyed by the grand jury.

Proceeding, when indictment not found "a true bill."
Ibid.
Ibid., s. 1263.

SEC. 38. When an indictment indorsed "not a true bill" has been presented in court and filed, the effect thereof is to dismiss the charge; and the same can not be again submitted to or inquired of by the grand jury, unless the court so order.

Indictment, effect of when returned "not a true bill."
Ibid.
Ibid., s. 1264.

SEC. 39. A presentment is made to the court by the foreman in the presence of the grand jury, and with the concurrence of five of their number; but being a mere informal statement of facts for the purpose of obtaining the advice of the court as to the law arising thereon, is not to be filed in the court or preserved beyond the sitting of the grand jury.

Presentment defined.
Ibid.
Ibid., s. 1265.

CHAPTER SEVEN.

OF THE INDICTMENT.

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40. Forms of pleading.
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42. Indictment, what to contain.
43. Form of indictment.
44. Manner of stating act constituting the crime.
45. Indictment must be direct and certain as to what.
46. Proceeding when defendant indicted by fictitious name.
47. Indictment must charge but one crime and in one form.
48. Time, when material, to be stated precisely, otherwise not.
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51. Construction of words.
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53. Indictment, when sufficient.
54. Indictment not sufficient for defect of form.
55. Presumptions of law or matters judicially known need not be stated.
56. Pleading a judgment or proceeding before a court of special jurisdiction.
57. Private statute, how pleaded.
58. Pleading in indictment for libel.
59. Indictment for forgery when instrument has been withheld or destroyed by defendant.
60. Pleadings in indictment for perjury or subornation of perjury.
61. One or more defendants in same indictment may be convicted or acquitted.
62. Distinction between persons committing and aiding in commission of felony abrogated.
63. Accessory after fact may be tried before principal.
64. Indictment for compounding crime though the person committing the same has not been indicted.

SEC. 40. The forms of pleading and the rules by which the sufficiency of pleadings is to be determined are those prescribed by this act.

Forms of pleading.
Laws Oreg., Oct. 19, 1864.
Hill's Ann. Laws, s. 1266.
State v. Dougherty, 4 Oreg., 200. State v. Howe, 27 Oreg., 145.

SEC. 41. The first pleading on the part of the United States is the indictment.

Indictment the first pleading.
Ibid.
Ibid., s. 1267.

Indictment, what to contain.
Ibid.
Ibid., s. 1268.

SEC. 42. The indictment must contain—

1. The title of the action, specifying the name of the court to which the indictment is presented and the names of the parties.

State v. Steeves, 29 Oreg., 88-89.

2. A statement of the facts constituting the offense in ordinary and concise language, without repetition, and in such manner as to enable a person of common understanding to know what is intended.

Form of indictment.
Ibid.
Ibid., s. 1269.

SEC. 43. The indictment may be substantially in the following form:

"THE UNITED STATES OF AMERICA
"*v.*
"A——— B———.
} District court for the District of Alaska.

State v. Wintzingerode, 9 Oreg., 153.

"A B is accused by the grand jury of the District of Alaska, by this indictment, of the crime of———" (here insert the name of the crime, if it have one, such as treason, murder, arson, manslaughter, or the like, or if it be a crime having no general name, such as libel, assault and battery, and the like, insert a brief description of it as given by law), "committed as follows:

"The said A B, on the —— day of ———, eighteen hundred and ——, in the district aforesaid" (here set forth the act charged as a crime according to the form adapted to the case, as provided in the next section).

"Dated at ———, in the district aforesaid, the —— day of———, eighteen hundred and ——."

"(Signed) C D, *District Attorney.*"

(Indorsed) "A true bill."

(Signed) "E F, *Foreman of the Grand Jury.*"

Manner of stating act constituting the crime.
Ibid.
Ibid., s. 1270.

SEC. 44. The manner of stating the act constituting the crime, as set forth in the appendix to this act, is sufficient in all cases where the forms there given are applicable, and in other cases forms may be used as nearly similar as the nature of the case will permit.

State v. Dougherty, 4 Oreg., 200. Frisbie v. State, 1 Oreg., 248. State v. Ah Sam, 14 Oreg., 437. State v. Carr, 6 Oreg., 133. State v. Spencer, 6 Oreg., 152. State v. Dodson, 4 Oreg., 64. State v. Doty, 5 Oreg., 491. State v. Kirk, 10 Oreg., 505. State v. Lee Lan Lam, 10 Oreg., 305. State v. Smith, 11 Oreg., 205. State v. Horne, 12 Oreg., 133. State v. Packard, 4 Oreg., 157. State v. Brown, 7 Oreg., 186. State v. Lee Yan Yan, 10 Oreg., 365. State v. Ah Lee, 18 Oreg., 542. State v. Wright et al., 19 Oreg., 259.

Indictment must be direct and certain as to what.
Ibid.
Ibid., s. 1271.

SEC. 45. The indictment must be direct and certain, as it regards—

1. The party charged;

2. The crime charged; and

3. The particular circumstances of the crime charged when they are necessary to constitute a complete crime.

SEC. 46. When a defendant is indicted by a fictitious or erroneous name, and in any stage of the proceedings his true name is discovered, it may be inserted in the subsequent proceedings, referring to the fact of his being indicted by the name mentioned in the indictment.

Proceedings when defendant indicted by fictitious name.
Ibid.
Ibid., s. 1272.

SEC. 47. The indictment must charge but one crime, and in one form only; except that where the crime may be committed by use of different means the indictment may allege the means in the alternative.

Indictment must charge but one crime, and in one form.
Ibid.
Ibid., s. 1273.
State v. Carr, 6 Oreg., 133. State v. Dale, 8 Oreg., 229. State v. Bergman, 6 Oreg., 341. State v. Jarvis, 18 Oreg., 362.

SEC. 48. The precise time at which the crime was committed need not be stated in the indictment, but it may be alleged to have been committed at any time before the finding thereof, and within the time in which an action may be commenced therefor, except where time is a material ingredient in the crime.

Time, when material, to be stated precisely, otherwise not.
Ibid.
Ibid., s. 1274.
State v. Ah Sam, 14 Oreg., 347. State v. Cutting, 3 Oreg., 260. State v. Winslow, 3 Oreg., 337. State v. Ah Lee, 18 Oreg., 546.

SEC. 49. When a crime involves the commission of or an attempt to commit a private injury, and is described with sufficient certainty in other respects to identify the act, an erroneous allegation as to the person injured or intended to be injured is not material.

Statement as to person injured or intended to be.
Ibid.
Ibid., s. 1275.
State v. Lurch, 12 Oreg., 104.

SEC. 50. When a crime involves the taking of or injury to an animal the indictment is sufficiently certain in that respect if it describe the animal by the common name of its class.

What description of animal sufficient.
Ibid.
Ibid., s. 1276.

SEC. 51. The words used in an indictment must be construed in their usual acceptation, in common language, except words and phrases defined by law, which are to be construed according to their legal meaning.

Construction of words.
Ibid.
Ibid., s. 1277.
State v. O'Neil, 21 Oreg., 170.

SEC. 52. Words used in a statute to define a crime need not be strictly pursued in the indictment, but other words, conveying the same meaning, may be used.

Words of statute need not be strictly pursued.
Ibid.
Ibid., s. 1278.
State v. Lee Yan Yam, 10 Oreg., 365.

SEC. 53. The indictment is sufficient if it can be understood therefrom:

Indictment, when sufficient.
Ibid.
Ibid., s. 1279.

1. That it is entitled in a court having authority to receive it, though the name of the court be not accurately stated;

2. That it was found by a grand jury of the political division in which the court was held;

3. That the defendant is named, or if his name cannot be discovered, that he is described by a fictitious name, with the statement that his real name is to the jury unknown;

4. That the crime was committed within the jurisdiction of the court;

5. That the crime was committed at some time prior to the finding of the indictment, and within the time limited by law for the commencement of an action therefor;

6. That the act or omission charged as the crime is clearly and distinctly set forth in ordinary and concise language, without repetition, and in such manner as to enable a person of common understanding to know what is intended;

7. That the act or omission charged as the crime is stated with such a degree of certainty as to enable the court to pronounce judgment, upon a conviction, according to the right of the case.

Indictment not insufficient for defect of form. Ibid. Ibid., s. 1280.

SEC. 54. No indictment is insufficient, nor can the trial, judgment, or other proceedings thereon be affected by reason of a defect or imperfection in matter of form, which does not tend to the prejudice of the substantial rights of the defendant upon the merits.

Presumptions of law or matters judicially known need not be stated. Ibid. Ibid., s. 1281.

SEC. 55. Neither presumptions of law, nor matters of which judicial notice is taken, need be stated in an indictment.

Pleading judgment or proceeding before court of special jurisdiction. Ibid. Ibid., s. 1282.

SEC. 56. In pleading a judgment or other determination of or proceeding before a court or officer of special jurisdiction, it is not necessary to state the facts conferring jurisdiction; but the judgment, determination, or proceeding may be stated to have been duly given or made. The facts conferring jurisdiction, however, must be established on the trial.

Private statute, how pleaded. Ibid. Ibid., s. 1283.

SEC. 57. In pleading a private statute, or right derived therefrom, it is sufficient to refer to the statute by its title and the day of its passage, and the court must thereupon take judicial notice thereof.

Pleading in indictment for libel. Ibid. Ibid., s. 1284.

SEC. 58. An indictment for libel need not set forth any extrinsic facts, for the purpose of showing the application to the party libeled of the defamatory matter on which the indictment is founded; but it is sufficient to state generally that the same was published concerning him; and the fact that it was so published must be established on the trial.

Indictment for forgery, when instrument has been withheld or destroyed by defendant. Ibid. Ibid., s. 1285.

SEC. 59. When an instrument which is the subject of an indictment for forgery has been destroyed or withheld by the act or procurement of the defendant, and the fact of the destruction or withholding is alleged in the indictment and established on the trial, the misdescription of the instrument is immaterial.

Pleadings in indictment for perjury or subornation of perjury. Ibid.

SEC. 60. In an indictment for perjury or subornation of perjury, it is sufficient to set forth the substance of the controversy or matter in respect to which the crime was

committed, and in what court, or before whom, the oath alleged to be false was taken, and that the court or person before whom it was taken had authority to administer it, with proper allegations of the falsity of the matter on which the perjury is assigned; but the indictment need not set forth the pleadings, record, or proceedings with which the oath is connected, nor the commission or authority of the court or person before whom the perjury was committed.

Ibid., s. 1286. State v. Kalyton, 29 Oreg., 375. State v. Witham, 6 Oreg., 356. State v. Spencer, 6 Oreg., 152.

SEC. 61. Upon an indictment against several defendants, any one or more may be convicted or acquitted.

One or more defendants may be convicted or acquitted. Ibid. Ibid., s. 1287.

Sec. 62. The distinction between an accessory before the fact and a principal, and between principals in the first and second degree in cases of felony, is abrogated, and all persons concerned in the commission of a felony, whether they directly commit the act constituting the crime, or aid and abet in its commission, though not present, must be indicted, tried, and punished as principals, as in the case of a misdemeanor.

Distinction between persons committing and aiding in commission of felony, abrogated. Ibid. Idid., s. 1289. State v. Kirk, 10 Oreg., 505.

SEC. 63. AN accessory after the fact, to the commission of a felony, may be indicted, tried, and punished though the principal felon be neither indicted nor tried.

Accessory after fact may be tried before principal. Ibid. Ibid., s. 1290.

SEC. 64. A person may be indicted for having, with the knowledge of the commission of a crime, taken money or property of another, or a gratuity or a reward, or an engagement or promise thereof, upon an agreement or understanding, express or implied, to compound or conceal the crime, or to abstain from a prosecution therefor, or to withhold any evidence thereof, though the person guilty of the original crime have not been indicted or tried.

Indictment for compounding crime, though the person committing the same has not been indicted. Ibid. Ibid., s. 1291.

CHAPTER EIGHT.

OF THE ARRAIGNMENT OF THE DEFENDANT.

Sec.
65. Defendant, when and where arraigned.
66. Arraignment, how made.
67. Defendant to be informed that he is entitled to counsel.
68. Defendant to be requested to declare his true name.
69. Proceeding if the defendant do not give his true name.
70. Proceeding when defendant gives another name.
71. Time allowed the defendant to answer the indictment.
72. How defendant may answer indictment.
73. If defendant refuse to plead, plea of not guilty to be entered.
74. Personal appearance at arraignment, when necessary.
75. If defendant in custody, may be brought in by order.
76. If discharged on bail or deposit, bench warrant may issue.
77. Bench warrant, by whom and how issued.
78. If crime bailable, indorsement on.
79. Warrant to issue on application of district attorney.
80. Bench warrant, form of.
81. When defendant must be taken before magistrate.
82. Proceeding on putting in bail.
83. Same subject.
84. Court may order defendant into custody unless increased bail be given.
85. Defendant, if present, to be committed; if not, bench warrant to issue

Defendant, when and where arraigned. Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, s. 1292.

SEC. 65. When the indictment has been filed, the defendant, if he has been arrested, or as soon thereafter as he may be, must be arraigned thereon before the court in which it is found.

Arraignment how made. Ibid. Ibid., s. 1293.

SEC. 66. The arraignment must be made by the court, or by the clerk or the district attorney under its direction, and consists in reading the indictment to the defendant, and delivering to him a copy thereof and the indorsements thereon, including the list of witnesses indorsed on it or appended thereto, and asking him whether he pleads guilty or not guilty to the indictment.

Defendant to be informed that he is entitled to counsel. Ibid. Ibid., s. 1294.

SEC. 67. If the defendant appear for arraignment without counsel, he must be informed by the court that it is his right to have counsel before being arraigned, and must be asked if he desires the aid of counsel.

Defendant to be requested to declare his true name. Ibid. Ibid., s. 1295.

SEC. 68. When the defendant is arraigned, he must be informed that if the name by which he is indicted be not his true name he must then declare his true name, or be proceeded against by the name in the indictment.

Proceeding if defendant do not give his true name. Ibid. Ibid., s. 1296.

SEC. 69. If the defendant give no other name, the court may proceed accordingly.

Proceeding when defendant gives another name. Ibid. Ibid., s. 1297.

SEC. 70. If the defendant allege that another name is his true name, the court must direct an entry thereof to be made in its journal, and the subsequent proceedings on the indictment may be had against him by that name, referring also to the name by which he is indicted.

Time allowed defendant to answer the indictment. Ibid. Ibid., 1298.

SEC. 71. If, on the arraignment, the defendant require it, he must be allowed until the next day, or such further time as the court may deem reasonable, to answer the indictment.

How defendant may answer indictment. Ibid. Ibid., s. 1299. State v. Pool, 20 Oreg., 152.

SEC. 72. If the defendant do not require time, as provided in the last section, or if he do, then on the next day, or at such further day as the court may have allowed him, he may, in answer to the arraignment, either move the court to set aside the indictment or may demur or plead thereto.

If defendant refuse to plead, plea of not guilty to be entered. Ibid. Ibid., s. 1300.

SEC. 73. If the defendant, within the time required, refuse to demur or plead to the indictment, the court must direct that a plea of not guilty be entered for him.

Personal appearance at arraignment, when necessary. Ibid. Ibid., s. 1301.

SEC. 74. When the indictment is for a felony, the defendant must be personally present at the arraignment; but if it be for a misdemeanor only, and the defendant has been held to answer to the charge, his personal appearance is unneccessary, and he may appear by counsel.

If defendant in custody, how brought in. Ibid. Ibid., s. 1302.

SEC. 75. When the personal appearance of the defendant is necessary, if he be in custody, the court may direct the proper officer to bring him before it to be arraigned, and the officer must do so accordingly.

SEC. 76. If the defendant has given bail or has deposited money in lieu thereof and does not appear to be arraigned when his personal appearance is necessary therefor, the court, in addition to the forfeiture of the undertaking of bail or of the money deposited in lieu thereof, may order the clerk to issue a bench warrant for his arrest.

Defendant, if discharged on bail or deposit, bench warrant may issue.
Ibid.
Ibid., s. 1303.

SEC. 77. When an indictment is filed in court, if the defendant has not been arrested and held to answer the charge, unless he voluntarily appear for arraignment, the court must order the clerk to issue a bench warrant for his arrest.

Bench warrant, by whom and how issued.
Ibid.
Ibid., s. 1304.

SEC. 78. If the crime charged in the indictment be bailable, the court, upon directing the bench warrant to issue, must fix the amount of bail, and the clerk must indorse the same upon such warrant and sign it, substantially as follows: "The defendant is to be admitted to bail in the sum of ——— dollars."

If crime bailable, indorsement on bench warrant.
Ibid.
Ibid., s. 1305.

SEC. 79. At any time after the making of the order for the bench warrant, the clerk, on the application of the district attorney, must issue such warrant as by order directed, whether the court be sitting or not.

Warrant to issue on application of district attorney.
Ibid.
Ibid., s. 1306.

SEC. 80. The bench warrant upon the indictment must be substantially in the following form:

Form of bench warrant.
Ibid.
Ibid., s. 1307.

"District Court for the District of Alaska. In the name of the United States of America.

"To the United States marshal for the District of Alaska, or any deputy, greeting:

"An indictment having been found on the —— day of ———, eighteen hundred and ——, in the district court for the district aforesaid, charging A B with the crime of (designating it generally), this is to command you forthwith to arrest the defendant and bring him before such court to answer the indictment, or if the court have adjourned for the term, that you detain him in your custody. By order of the court.

"Witness my hand and seal of said district court, affixed at ———, this —— day of ———, eighteen hundred and ——.

[L. S.] "C D, *Clerk.*"

SEC. 81. When the crime is bailable, and the defendant requires it, the officer making the arrest must take him before a commissioner for the purpose of putting in bail, and thereupon such commissioner must proceed in respect thereto according to the provisions of Chapter XXII of this act, entitled "Bail."

Defendant, when must be taken before commissioner.
Ibid.
Ibid., s. 1309.

Proceeding on putting in bail.
Ibid.
Ibid., s. 1310.

SEC. 82. If bail be taken, the commissioner must make the order prescribed by section two hundred and thirty-nine, and deliver it to the officer, who must thereupon discharge the defendant, and without delay return the warrant and order to the clerk of the court at which the defendant is required to appear.

When bail not allowed.
Ibid.
Ibid., s. 1311.

SEC. 83. If the bail be not allowed, the officer must take the defendant before the court or commit him to the custody of the jailer, according to the command of the warrant.

Court may order defendant into custody, unless other bail given.
Ibid.
Ibid., s. 1312.

SEC. 84. Although the defendant has put in bail to answer the charge or the indictment, the court may, at any time after the indictment is found, order the defendant into actual custody, unless he give bail with new sureties or in an increased amount, to be specified in the order.

When defendant committed notwithstanding bail.
Ibid.
Ibid., s. 1313.

SEC. 85. If the defendant be present when the order is made, he must be forthwith committed accordingly; but if he be not present, a bench warrant must be issued and proceeded upon in the manner provided in this chapter.

CHAPTER NINE.

OF SETTING ASIDE THE INDICTMENT.

Sec.
86. Indictment, when set aside on motion.
87. Motion to set aside, when made and heard.
88. Motion, if granted, proceeding thereon.
89. Effect of order for resubmission.
90. New indictment in such case, when to be found.
91. Indictment, order to set aside no bar to further prosecution.

Indictment, when set aside on motion.
Laws Oreg., Oct. 19, 1864.
Hill's Ann. Laws, s. 1314.
State v. Pool, 20 Oreg., 151.

SEC. 86. The indictment must be set aside by the court, upon the motion of the defendant, in either of the following cases:

1. When it is not found, indorsed, and presented as prescribed in chapter six of this act;

2. When the names of the witnesses examined before the grand jury are not inserted at the foot of the indictment or indorsed thereon.

Motion to set aside, when made and heard.
Ibid.
Ibid., s. 1315.
State v. Reinhart, 26 Oreg., 466.

SEC. 87. The motion to set aside the indictment must be made and heard at the time of the arraignment, unless for good cause the court postpone the hearing to a future time, and if not so made, the defendant is precluded from afterwards taking the objections mentioned in the section last preceding.

Motion, if granted, proceeding thereon.
Ibid.
Ibid., s. 1316.

SEC. 88. If the motion be allowed, the court must order that the defendant, if in custody, be discharged therefrom; or if he have given bail or deposited money in lieu thereof, that his bail be exonerated or his money refunded to him,

unless it direct that the case be resubmitted to the same or another grand jury.

Order for resubmission to the grand jury, and effect of.
Ibid.
Ibid., s. 1317.

SEC. 89. If the court direct that the case be resubmitted, the defendant, if then in custody, must so remain, unless he be admitted to bail; or if he have already given bail, or deposited money in lieu thereof, such bail or money is answerable for the appearance of the defendant to answer a new indictment, if one be found.

New indictment in such case, when to be found.
Ibid.
Ibid., s. 1318.

SEC. 90. Unless a new indictment be found before the next grand jury is discharged, the court must, on the discharge of such grand jury, make the order prescribed by section 88.

Order to set aside indictment no bar to another prosecution.
Ibid.
Ibid., s. 1319.

SEC. 91. An order to set aside an indictment, as provided in this chapter, is no bar to a future prosecution for the same crime.

CHAPTER TEN.

OF THE DEMURRER.

Sec.
92. Demurrer or plea only pleading on part of defendant.
93. Demurrer or plea, when put in.
94. Demurrer, grounds of.
95. Demurrer, how put in and its form.
96. Demurrer, when heard.
97. Judgment on demurrer.
98. Proceeding when demurrer allowed.
99. If resubmission not ordered, defendant to be discharged.
100. Proceeding if resubmission ordered.
101. Proceeding if demurrer be disallowed.
102. What objections may be taken at the trial or in arrest of judgment.

Demurrer or plea.
Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, s. 1320.

SEC. 92. The only pleading on the part of the defendant is either a demurrer or plea.

When put in.
Ibid.
Ibid., s. 1321.

SEC. 93. Both the demurrer and plea must be put in, in open court, either at the time of the arraignment or at such other time as may be allowed to defendant for that purpose.

Demurrer, grounds of.
Ibid.
Ibid., s. 1322.

SEC. 94. The defendant may demur to the indictment when it appears upon the face thereof either—

State v. Whitney, 7 Oreg., 386. State v. Jarvis, 18 Oreg., 362. State v. Bloodsworth, 25 Oreg., 84.

1. That the grand jury by which it was found had no legal authority to inquire into the crime charged because the same is not triable within the district;

2. That it does not substantially conform to the requirements of chapter seven of this act.

3. That more than one crime is charged in the indictment.

4. That the facts stated do not constitute a crime.

5. That the indictment contains any matter which, if true, would constitute a legal justification or excuse of the crime charged, or other legal bar to the action.

Demurrer, how put in, and its form.
Ibid.
Ibid., s. 1323.

SEC. 95. The demurrer must be in writing, signed either by the defendant or his attorney, and filed. It must distinctly specify the ground of objection to the indictment, or it may be disregarded.

Demurrer, when heard.
Ibid.
Ibid., s. 1324.

SEC. 96. Upon the demurrer being filed, the objections presented thereby must be heard, either immediately or at such time as the court may direct.

Judgment on demurrer.
Ibid.
Ibid., s. 1325.

SEC. 97. Upon considering the demurrer, the court must give judgment, either allowing or disallowing it, and an entry to that effect must be entered in the journal.

Proceeding, when demurrer allowed.
Ibid.
Ibid., s. 1326.

SEC. 98. If the demurrer be allowed, the judgment is final upon the indictment demurred to, and is a bar to another action for the same crime, unless the court, being of opinion that the objection on which the demurrer is allowed may be avoided in a new indictment, direct the case to be resubmitted to the same or another grand jury.

If resubmission not ordered, defendant to be discharged.
Ibid.
Ibid., s. 1327.

SEC. 99. If the court do not direct the case to be resubmitted, the defendant, if in custody, must be discharged, or if admitted to bail his bail is exonerated, or if he have deposited money in lieu thereof the money must be refunded to him.

Proceeding if resubmission ordered.
Ibid.
Ibid., s. 1328.

SEC. 100. If the court direct that the case be resubmitted, the same proceedings must be had thereon as are prescribed in sections eighty-nine and ninety.

Proceeding if demurrer be disallowed.
Ibid.
Ibid., s. 1329.

SEC. 101. If the demurrer be disallowed, the court must permit the defendant, at his election, to plead, which he must do forthwith, or at such time as the court may allow; but if he do not plead, judgment must be given against him.

What objections may be taken at the trial or in arrest of judgment.
Ibid.
Ibid., s. 1330.
State v. Doty, 5 Oreg., 49. State v. Dougherty, 4 Oreg., 200. State v. Bruce, 5 Oreg., 68. State v. Jarvis, 18 Oreg., 362. State v. Bloodsworth, 25 Oreg., 34.

SEC. 102. When the objections mentioned in section ninety-four appear upon the face of the indictment, they can only be taken by demurrer, except that the objection to the jurisdiction of the court over the subject of the indictment, or that the facts stated do not constitute a crime, may be taken at the trial, under the plea of not guilty and in arrest of judgment.

CHAPTER ELEVEN.

OF PLEAS TO THE INDICTMENT.

Sec.
103. The different kinds of pleas.
104. Plea, how put in, and its form.
105. Plea of guilty must be put in in person, except in case of corporation.
106. Plea of guilty, when and how withdrawn.
107. Plea of not guilty, what it controverts.
108. Plea of not guilty, what may be given in evidence under it.
109. What is not deemed a former acquittal.
110. What is deemed a former acquittal.
111. Conviction or acquittal for crime consisting of different degrees, when a bar to another indictment.

Different kinds of pleas.

SEC. 103. There are three kinds of pleas to an indictment; a plea of—

1. Guilty.
2. Not guilty.
3. A former judgment of conviction or acquittal of the crime charged, which may be pleaded either with or without the plea of not guilty.

Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, s. 1331.

Plea, how put in, and its form.

SEC. 104. Every plea must be oral, and must be entered on the journal of the court in substantially the following form:

1. If the defendant pleads guilty: "The defendant pleads that he is guilty of the crime charged in this indictment."
2. If he pleads not guilty: "The defendant pleads that he is not guilty of the crime charged in this indictment."
3. If he pleads a former conviction or acquittal: "The defendant pleads that he has already been convicted (or acquitted, as the case may be) of the crime charged in this indictment by the judgment of the court of ——— (naming it), rendered at ——— (naming the place), on the ——— day of ———, eighteen hundred and ——."

Ibid. Ibid., s. 1332.

Plea of guilty must be put in in person, except in case of corporation.

SEC. 105. A plea of guilty must in all cases be put in by the defendant in person, in open court, unless upon an indictment against a corporation, in which case it may be put in by counsel.

Ibid. Ibid., s. 1333. U. S. v. Wilson, 7 Pet., 150.

Plea of guilty, when and how withdrawn.

SEC. 106. The court may at any time before judgment, upon a plea of guilty, permit it to be withdrawn and a plea of not guilty substituted therefor.

Ibid. Ibid., s. 1334.

Plea of not guilty, what it controverts.

SEC. 107. The plea of not guilty controverts and is a denial of every material allegation in the indictment.

Ibid. Ibid., s. 1335.

Plea of not guilty, what may be given in evidence under it.

SEC. 108. All matters of fact tending to establish a defense to the charge in the indictment, other than those specified in the third subdivision of section one hundred and three, may be given in evidence under the plea of not guilty.

Ibid. Ibid., s. 1336.

What not deemed a former acquittal.
Ibid.
Ibid., s. 1337.

SEC. 109. If the defendant were formerly acquitted on the ground of a variance between the indictment and the proof, or the indictment were dismissed upon a demurrer to its form or substance, or discharged for want of prosecution, without a judgment of acquittal or in bar of another prosecution, it is not an acquittal of the same crime.

What is deemed a former acquittal.
Ibid.
Ibid., s. 1338.
State v. Littschke, 27 Oreg., 189.

SEC. 110. When, however, the defendant was acquitted on the merits, he is deemed acquitted of the same crime, notwithstanding a defect in form or substance in the indictment on which he was acquitted.

Conviction or acquittal on indictment for crime consisting of different degrees, when a bar to another indictment.
Ibid.
Ibid., s. 1339.
State v. Stewart, 11 Oreg., 218; State v. McCormick, 8 Oreg., 236; U. S. v. Barnhart, 10 Sawy., 491; State v. Stewart, 11 Oreg., 52; State v. Steeves, 29 Oreg., 107-108.

SEC. 111. When the defendant shall have been convicted or acquitted upon the indictment for a crime consisting of different degrees, such conviction or acquittal is a bar to another indictment for the crime charged in the former, or for any inferior degree of that crime, or for an attempt to commit the same, or for an offense necessarily included therein, of which he might have been convicted under that indictment, as provided in sections one hundred and fifty-one and one hundred and fifty-two.

CHAPTER TWELVE.

OF ISSUES OF LAW AND FACT.

Sec.
112. Issue of fact, definition of.
113. Issue of law, definition of.
114. Issue of law or fact, how tried.
115. When defendant must appear in person on trial.

Issue of fact, definition of.
Laws Oreg., Oct. 19, 1864.
Hill's Ann. Laws, s. 1340.

SEC. 112. An issue of fact arises—

1. Upon a plea of not guilty; or,

2. Upon a plea of former conviction or acquittal of the same crime.

Issue of law, definition of.
Ibid.
Ibid., s. 1341.

SEC. 113. An issue of law arises upon a demurrer to the indictment.

Issue of law or fact, how tried.
Ibid.
Ibid., s. 1342.

SEC. 114. An issue of law must be tried by the court, and an issue of fact by jury, of the political division in which the action is triable.

When defendant must appear in person on trial.
Ibid.
Ibid., s. 1343.
State v. Abrams, 11 Oreg., 169. State v. Shores, 4 Oreg., 198. State v. Smith, 11 Oreg., 205.

SEC. 115. If the indictment be for a misdemeanor, the trial may be had in the absence of the defendant, if he appear by counsel; but if it be for a felony, he must be present in person.

CHAPTER THIRTEEN.

OF THE POSTPONEMENT OF TRIAL.

Sec.
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Postponement of trial, when and how allowed.
Laws Oreg., Oct. 19, 1864.
Hill's Ann. Laws, s. 1344.

SEC. 116. When an indictment is at issue upon a question of fact, and before the same is called for trial, the court may, upon sufficient cause shown by the affidavit of the defendant, or the statement of the district attorney, direct the trial to be postponed to another day in the same term or to another term; and all affidavits and papers read on either side upon the application must be first filed with the clerk.

Postponement may be refused unless party consent to take deposition.
Ibid.
Ibid., s. 1345.
State v. Bowker, 26 Oreg., 313.

SEC. 117. When an application is made for the postponement of a trial, the court may, in its discretion and in the furtherance of justice, require as a condition precedent to granting the same that the party applying therefor consent that the deposition of a witness or witnesses may be taken and read on the trial of the case, and unless such consent be given may refuse to allow such postponement for any cause.

Order for taking deposition.
Ibid.
Ibid., s. 1346.

SEC. 118. When such consent is given, the court must make an order appointing some proper time and place for taking the deposition of such witness, either by the judge thereof or before some suitable person to be named therein as commissioner, upon either written or oral interrogatories.

Deposition to be filed, and when may be read.
Ibid.
Ibid., s. 1347.

SEC. 119. Upon the making of the order provided in the last preceding section, the deposition must be taken and filed in court, and may be read on the trial of the case, in like manner and with like effect and subject to the same objections as in civil cases.

When court may order indictment discharged for want of prosecution.
Ibid.
Ibid., s. 1348.

SEC. 120. If, when the indictment is called for trial, the defendant appear for trial, and the district attorney is not ready and does not show any sufficient cause for postponing the trial, the court must order the indictment to be discharged, unless, being of opinion that the public interests require the indictment to be retained for trial, it direct it to be so retained.

Effect of such discharge.
Ibid.
Ibid., s. 1349.

SEC. 121. If the court order the indictment to be discharged, the order is not a bar to another action for the same crime, unless the court so direct; and if the court so direct, judgment of acquittal must be entered.

Proceeding upon discharge in relation to bail.
Ibid.
Ibid., s. 1350.

SEC. 122. If, upon the discharge of the indictment, the court give a judgment of acquittal, the same proceedings must be had thereon, in relation to the custody of the defendant, his bail, or money deposited in lieu thereof, as are prescribed in section ninety-nine.

CHAPTER FOURTEEN.

OF THE FORMATION OF THE TRIAL JURY.

Sec.
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Trial jurors, how selected.
R. S. U. S., 1878, ss. 808, 809, 810.
23 Stat. L. c. 52, s. 2.

SEC. 123. Jurors for the trial of persons accused of any of the crimes defined in the laws of the United States applicable to the District of Alaska, as revised and codified by the commissioners appointed under authority of an act of Congress approved June fourth, eighteen hundred and ninety-seven, shall be selected and summoned in the manner prescribed by the laws of the United States with respect to jurors of the United States district and circuit courts, and shall have the same qualifications and be entitled to the same exemptions as are provided in chapter four of this act in the case of grand juries.

Formation of jury.
Laws, Oreg., Oct. 11, 1892.
Hill's Ann. Laws, s. 180.

SEC. 124. Trial juries shall be formed as follows: When the action is called for trial, the clerk shall draw from the trial-jury box of the court, one by one, the ballots containing the names of the jurors until the jury is completed or the ballots are exhausted. If the ballots become exhausted before the jury is complete, the marshal, under the direction of the court, shall summon from the bystanders or the body of the district so many qualified persons as may be necessary to complete the jury. Whenever, as in this section provided, the marshal shall summon more than one person at a time from the bystanders or the body of the district, he shall return a list of the persons so summoned to the clerk. The clerk shall write the names of such persons upon separate ballots and deposit the same in the trial-jury box, and then draw such ballots therefrom, as in the case of the panel of trial jurors for the term. The jury shall consist of twelve persons, unless in trials for misde-

meanors the parties consent to a less number. Such consent shall be entered in the journal.

SEC. 125. No challenge shall be made or allowed to the panel. A challenge is an objection to a particular juror, and may be either—

1. Peremptory; or

2. For cause.

Challenge to the panel. Ibid. Ibid., s. 181. Fitzhugh v. State, 2 Oreg., 227; State v. Dale, 8 Oreg., 229.

SEC. 126. A peremptory challenge is an objection to a juror for which no reason need be given, but upon which the court shall exclude him.

Peremptory challenge defined. Ibid. Ibid., s. 182.

SEC. 127. A challenge for cause is an objection to a juror, and may be either—

1. General; that the juror is disqualified from serving in any action; or

2. Particular; that he is disqualified from serving in the action on trial.

Challenge for cause defined. Ibid. Ibid., s. 183.

SEC. 128. General causes of challenge are—

1. A conviction for felony;

2. A want of any of the qualifications prescribed by law for a juror;

3. Unsoundness of mind, or such defect in the faculties of the mind or organs of the body as renders him incapable of performing the duties of juror.

General causes of challenge. Ibid. Ibid., s. 184. State v. McDonald, 8 Oreg., 113; State v. Powers, 10 Oreg., 145.

SEC. 129. Particular causes of challenge are of two kinds—

Particular causes of challenge. Ibid. Ibid., s. 185.

1. For such bias as, when the existence of the facts is ascertained, in judgment of law disqualifies the juror, and which is known in this code as implied bias.

State v. Tom, 8; Oreg., 177; Kumli v. S. Pac. Co., 21 ibid., 505; State v. Ingram, 23 ibid., 434.

2. For the existence of a state of mind on the part of the juror in reference to the action or to either party which satisfies the trier, in the exercise of a sound discretion, that he can not try the issue impartially and without prejudice to the substantial rights of the party challenging, and which is known in this code as actual bias.

SEC. 130. A challenge for implied bias may be taken for any of the following causes, and for no other:

Challenge for implied bias. Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, s. 1352.

1. Consanguinity or affinity within the fourth degree to the person alleged to be injured by the crime charged in the indictment, or the person indorsed thereon as the prosecutor, or to the defendant.

2. Standing in the relation of guardian and ward, attorney and client, master and servant, or landlord and tenant, with the defendant, or the person alleged to be injured by the crime charged in the indictment, or indorsed thereon as prosecutor, or being a member of the family, a partner in business with or in the employment on wages for either of

such persons, or being surety or bail in the action or otherwise for the defendant.

3. Having served on the grand jury which found the indictment, or on a coroner's jury which inquired into the death of a person whose death is the subject of the indictment;

4. Having been one of a jury formerly sworn in the same action, and whose verdict was set aside, or which was discharged without a verdict, after the cause was submitted to it;

5. Having served as a juror in a civil action, suit, or proceeding brought against the defendant for sustantially the same act charged as a crime;

6. If the offense charged be punishable with death, the entertaining of such conscientious opinions as would preclude a person from finding the defendant guilty; in which case he shall neither be permitted nor compelled to serve as a juror.

Challenge for actual bias.
Laws Oreg., Oct. 11, 1862.
Hill's Ann. Laws, s. 187.
U. S. v. Hanway, 2 Wall., jr., 139; State v. Tom., 8 Oreg., 177; State v. Saunders, 14 Oreg., 300; Ford v. Umatilla Co., 15 Ibid., 313; State v. Kelly, 28 Ibid., 225; State v. Brown, Ibid., 147.

SEC. 131. A challenge for actual bias may be taken for the cause mentioned in the second subdivision of section one hundred and twenty-nine. But on the trial of such challenge, although it should appear that the juror challenged has formed or expressed an opinion upon the merits of the cause from what he may have heard or read, such opinion shall not of itself be sufficient to sustain the challenge, but the court must be satisfied, from all the circumstances, that the juror can not disregard such opinion and try the issue impartially.

Exemption from service on jury.
Ibid.
Ibid., s. 188.

SEC. 132. An exemption from service on a jury shall not be cause of challenge, but the privilege of the person exempted.

Challenges, how and when taken.
Ibid.
Ibid., s. 190.
State v. McDonald, 8 Oreg., 113; Garrison v. Portland, 2 Oreg., 123.

SEC. 133. All challenges shall be taken first by the defendant and then by the plaintiff, and the defendant shall exhaust his challenges to a particular juror before the plaintiff begins. All challenges shall be taken to each juror as he is drawn and appears, and before another juror is drawn, unless the court, for good cause shown, shall permit a challenge to be taken afterwards, and before the number of the jury is completed.

Order of taking challenges.
Ibid.
Ibid., s. 191.
Garrison v. Portland, 2 Oreg., 123.

SEC. 134. The challenge of either party shall be taken separately, in the following order, including in each challenge all the causes of challenge belonging to the same class:

1. For general disqualification.
2. For implied bias.
3. For actual bias.

4. Peremptory; but either party may take peremptory challenge at any time before his right of challenge ceases.

Trial of challenge. Ibid. Ibid., s. 192. State v. Tom, 8 Oreg., 177. Hayden v. Long, 8 Oreg., 244.

SEC. 135. The challenge may be excepted to by the adverse party for insufficiency, and if so the court shall determine the sufficiency thereof, assuming the facts alleged therein to be true. The challenge may be denied by the adverse party, and if so the court shall try the issue and determine the law and the fact.

Proceedings and evidence on trial of challenge. Ibid. Ibid., s. 193.

SEC. 136. Upon the trial of a challenge the rules of evidence applicable to testimony offered upon the trial of an ordinary issue of fact shall govern. The juror challenged, or any other person otherwise competent, may be examined as a witness by either party. If a challenge be determined to be sufficient, or found to be true, as the case may be, it shall be allowed, and the juror to whom it was taken excluded. But if determined or found otherwise, it shall be disallowed.

Challenge may be oral. Ibid. Ibid., s. 194.

SEC. 137. The challenge, the exception, and the denial may be made orally. The judge of the court shall note the same upon his minutes, and the substance of the testimony on either side.

Challenges, by whom and how taken. Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, s. 1853.

SEC. 138. All challenges, whether peremptory or for cause, may be taken by the United States or defendant, but when several defendants are tried together they can not sever their challenges, but must join therein.

Peremptory challenges, number of. R. S. U. S. 1878, s. 819.

SEC. 139. If the crime charged in the indictment be punishable with death, the defendant shall be entitled to twenty and the United States to five peremptory challenges. On the trial of any other felony, the defendant shall be entitled to ten and the United States to three peremptory challenges, and in all other cases each party shall be entitled to three peremptory challenges.

Oath of jury. Laws Oreg., Oct. 11, 1862. Hill's Ann. Laws, s. 195.

SEC. 140. As soon as the number of the jury has been completed, an oath or affirmation shall be administered to the jurors in substance, that they and each of them will well and truly try the matter in issue between the plaintiff and defendant, and a true verdict give according to the law and evidence as given them on the trial.

CHAPTER FIFTEEN.

OF THE CONDUCT OF THE TRIAL AND MISCELLANEOUS PROVISIONS RELATING THERETO.

Sec.
141. Order of proceedings on trial.
142. Conduct of jury after case is submitted.
143. For what cause court may discharge jury.
144. Jury may be polled.
145. When jury to ascertain value of property.
146. Defendant presumed innocent until contrary proven; effect of reasonable doubt.
147. Insanity must be proven; intoxication not to be deemed insanity.
148. Defendant to be convicted of the lowest degree in case of doubt.
149. When defendants jointly indicted entitled to separate trial.
150. When one of several defendants may be discharged as a witness for the State.
151. When one may be discharged to be a witness for defendant.
152. Effect of such discharge.
153. Law of evidence in criminal cases.
154. Defendant can be witness.
155. Husband or wife can be witness for or against each other in certain cases.
156. Evidence in criminal actions to be given orally, except.
157. Confession of defendant, when evidence, and its effect.
158. Error in proceedings not material, unless it prejudice substantial rights of defendant.
159. Evidence on trial for rape or crime against nature.
160. Testimony of accomplice must be corroborated.
161. Evidence on trial for false pretenses.
162. Evidence of female abducted or seduced must be corroborated.
163. Court to decide questions of law; knowledge of the court.
164. Jury to receive the law from the court and to decide the facts.
165. Defendant may be committed after appearance.

Order of proceedings on trial. Bates's Ann. Ohio Statutes. s. 7300.

SEC. 141. After the jury is empaneled and sworn, the trial shall proceed in the following order:

1. A counsel for the United States must state the case of the prosecution, and may briefly state the evidence by which he expects to sustain it.

2. The defendant, or his counsel, must then state his defense, and may briefly state the evidence he expects to offer in support of it.

Adams v. State, 25 Ohio State, 584-586.

3. The United States must first produce its evidence; and the defendant will then produce his evidence.

Webb v. State, 29 Ohio State, 351.

4. The United States will then be confined to rebutting evidence, unless the court, for good reasons, in furtherance of justice, permit it to offer evidence in chief.

Hanson v. State, 43 Ohio St., 376. State v. McHugh, 42 Ohio St., 154. Bolen v. St., 26 Ohio St., 371. Stewart v. St., 1 Ohio St., 66. Adams v. St., 29 Ohio St., 412. Callahan v. St., 21 Ohio St., 306.

5. When the evidence is concluded, either party may request instructions to the jury on points of law, which shall be given or refused by the court; which instructions shall be reduced to writing if either party request it.

Goodenow v. Tappen, 1 Ohio, 60. Weaver v. St., 24 Ohio St., 584.

6. When the evidence is concluded, unless the case be submitted without argument, the counsel for the United States shall commence, the defendant or his counsel follow, and the counsel for the United States conclude, the argument to the jury.

Blackburn v. State, 23 Ohio State, 146.

7. The court, after the argument is concluded, shall immediately, and before proceeding with other business

charge the jury; which charge, or any charge given after the conclusion of the argument, shall be reduced to writing by the court, if either party request it before the argument of the trial is commenced; such charge or charges, or any other charge or instructions provided for in this section, when so written and given, shall in no case be orally qualified, modified, or in any manner explained to the jury by the court; and all written charges and instructions shall be taken by the jury in their retirement, and returned with their verdict into court, and shall remain on file with papers of the case.

Conduct of jury after case is submitted.
Ibid., s. 7312.
Parker v. State, 18 Ohio State, 88. Weis v. State, 22 Ohio State, 486. Davis v. State, 15 Ohio, 72. Bergin v. State, 31 Ohio State, 111. Jones v. State, 26 Ohio State, 208. Hulse v. State. 35 Ohio State, 421.

SEC. 142. When a case is finally submitted, the jurors must be kept together in some convenient place under the charge of an officer until they agree upon a verdict or are discharged by the court; the officer having them in charge shall not suffer any communication to be made to them nor make any himself except to ask them if they have agreed upon a verdict, unless by order of the court; nor shall he communicate to any person, before the verdict is delivered, any matter in relation to the state of their deliberations; and if the jurors be permitted to separate during the trial, they shall be admonished by the court that it is their duty not to converse with, nor to suffer themselves to be addressed by, any person, nor to listen to any conversation on the subject of the trial, nor to form or express an opinion thereon, until the case is finally submitted to them.

For what cause court may discharge jury.
Ibid., s. 7313.
Hines v. State, 24 Ohio State, 134. Stewart v. State, 15 Ohio State, 155. Benedict v. State, 44 Ohio State, 679.

SEC. 143. The court may discharge a jury without prejudice to the prosecution for the sickness of a juror, the corruption of a juror, or other accident or calamity, or because there is no probability of the jurors agreeing, and the reason for the discharge shall be entered on the journal.

Jury may be polled.
Ibid., s. 7314.
Sargent v. State, 11 Ohio, 472. Weaver v. State, 24 Ohio State, 584.

SEC. 144. When the jurors agree upon their verdict, they must be conducted into court by the officer having them in charge; and before the verdict is accepted, the jury may be polled at the request of either the district attorney or the defendant.

When jury to ascertain value of property.
Ibid., s. 7315.
Armstrong v. State, 21 Ohio State, 357. Ellars v. State, 25 Ohio State, 385. Pratt v. State, Ibid., 514.

SEC. 145. When an indictment charges an offense against property by larceny, embezzlement, or obtaining by false pretenses, the jury, on conviction, shall ascertain and declare in the verdict the value of the property stolen, embezzled, or falsely obtained.

Presumption of innocence.
Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, s. 1357.
State v. Glass, 5 Oreg., 13; State v. Ah Lee, 7 Oreg., 237; State v. Connelly, 3 Oreg., 73; U. S. v. Martin, 2 McLean, 256; U. S. v. Cole, 5 McLean, 513; U. S. v. Douglass, 2 Blatchf., 207.

SEC. 146. A defendant in a criminal action is presumed to be innocent until the contrary be proven; and in case of a reasonable doubt whether his guilt is satisfactorily shown, he is entitled to be acquitted.

Insanity must be proven.

SEC. 147. When the commission of the act charged as a crime is proven, and the defense sought to be established is the insanity of the defendant, the same must be proven beyond a reasonable doubt; and no act committed by a person while in a state of voluntary intoxication shall be deemed less criminal by reason of his having been in such condition; but whenever the actual existence of any particular motive, purpose, or intent is a necessary element to constitute any particular species or degrees of crime, the jury may take into consideration the fact that the defendant was intoxicated at the time, in determining the purpose, motive, or intent with which he committed the act.

Intoxication not deemed insanity.

When considered by the jury.
Ibid.
Ibid., s. 1358.

State v. Zorn, 22 Oreg., 600; State v. Hansen, 25 Oreg., 392.

Defendant to be convicted of lowest degree in case of doubt.
Ibid.
Ibid., s. 1359.
State v. Cody, 18 Oreg., 519.

SEC. 148. When it appears that the defendant has committed a crime, and there is reasonable ground of doubt in which of two or more degrees he is guilty, he can be convicted of the lowest of those degrees only.

Defendants jointly indicted, when entitled to separate trial.
Ibid.
Ibid, s. 1360.

SEC. 149. When two or more defendants are jointly indicted for a felony, any defendant requiring it must be tried separately; but in other cases defendants jointly indicted may be tried separately or jointly, in the discretion of the court.

When one of several defendants may be discharged to be witness for the United States.
Ibid.
Ibid, s. 1361.

SEC. 150. When two or more persons are charged in the same indictment, the court may, at any time before the defendant has gone into his defense, on the application of the district attorney, direct any defendant to be discharged from the indictment, so that he may be a witness for the United States.

When defendant may be discharged to be witness for co-defendant.
Ibid.
Ibid, s. 1362.
Latshaw v. Territory, 1 Oreg., 141.

SEC. 151. When two or more persons are charged in the same indictment, and the court is of the opinion that, in regard to a particular defendant, there is not sufficient evidence to put him on his defense, it must, if requested by another defendant then on trial, order him to be discharged from the indictment, before the evidence is closed, that he may be a witness for his co-defendant.

Effect of such discharge, and order therefor.
Ibid.
Ibid. s. 1363.

SEC. 152. The order provided for in the last two sections, when made, must state the reasons for making it; and it is an acquittal of the defendant discharged, and a bar to another prosecution for the same crime.

Law of evidence in criminal actions.
Ibid.
Ibid., s. 1364.
State v. O'Neil, 13 Oreg., 183. State v. Mah Jim, 13 Oreg., 235. Howell v. State, 1 Oreg., 241. U. S. v. Williams, 1 Cliff., 25-26. U. S. v. Mulvaney, 4 Park Cr., 164. State v. Garrand, 5 5 Oreg., 156. State v. Ah Lee, 7 Oreg., 237. Goodall v. State, 1 Oreg., 333. State v. Ah Lee, 8 Oreg., 214. Fitzhugh v. State, 2 Oreg., 227. State v. Saunders, 14 Oreg., 300. State v. Hale, 12 Oreg., 352. State v. Mason, 26 Oreg., 273.

SEC. 153. The law of evidence in civil actions is also the law of evidence in criminal actions and proceedings, except as otherwise specially provided in this act.

SEC. 154. In the trial of or examination upon all indictments, complaints, information, and other proceedings before any court, magistrate, jury, grand jury, or other tribunal, against persons accused or charged with the commission of crimes or offenses, the person so charged or accused shall, at his own request, but not otherwise, be deemed a competent witness, the credit to be given to his testimony being left solely to the jury, under the instructions of the court, or to the discrimination of the magistrate, grand jury, or other tribunal before which such testimony may be given: *Provided*, His waiver of such right shall not create any presumption against him; that such defendant or accused, when offering his testimony as a witness in his own behalf, shall be deemed to have given to the prosecution a right to cross-examination upon all facts to which he has testified tending to his conviction or acquittal.

Defendant may testify in his own behalf.
Laws Oreg., Oct. 25, 1880.
Ibid., s. 1365.
State v. Anderson, 10 Oreg., 448. State v. Abrams, 11 Oreg., 169. State v. Clements, 15 Oreg., 249.

SEC. 155. In all criminal actions, where the husband is the party accused, the wife shall be a competent witness, and when the wife is the party accused the husband shall be a competent witness; but neither husband nor wife, in such cases, shall be compelled or allowed to testify in such case unless by consent of both of them: *Provided*, That in all cases of personal violence upon either by the other, the injured party, husband or wife, shall be allowed to testify against the other.

When husband and wife may testify for or against each other.
Laws Oreg., Oct. 25, 1880.
Ibid., s. 1366.
State v. Hatcher, 29 Oreg., 309.

SEC. 156. In a criminal action, the testimony of a witness must be given orally in the presence of the court and jury, except in the case of a witness whose testimony is taken by deposition, by order of the court, in pursuance of the consent of the parties, as provided in chapter thirteen of this act.

Evidence in criminal actions to be given orally, except.
Laws Oreg., Oct. 19, 1864.
Ibid., s. 1367.
State v. Saunders, 14 Oreg., 300.

SEC. 157. A confession of a defendant, whether in the course of judicial proceedings or to a private person, can not be given in evidence against him when made under the influence of fear produced by threats; nor is a confession only sufficient to warrant his conviction without some other proof that the crime has been committed.

Confession of defendant, when evidence, and its effect.
Ibid.
Ibid., s. 1368.
State v. Wintzengerode, 9 Oreg., 153. State v. Leonard, 3 Oreg., 175. State v. Taylor, 3 Oreg., 10. State v. Moran, 15 Oreg., 265. State v. Reinhart, 26 Oreg., 466.

SEC. 158. Neither a departure from the form or mode prescribed by this act, in respect to any pleadings or proceedings, nor any error or mistake therein, renders it invalid, unless it have actually prejudiced the defendant, or tend to his prejudice in respect to a substantial right.

Error not material unless it prejudiced substantial right of defendant.
Ibid.
Ibid., s. 1369.

SEC. 159. Proof of actual penetration into the body is sufficient to sustain an indictment for rape or for the crime against nature.

Evidence of rape or crime against nature.
Ibid.
Ibid., s. 1370.

Testimony of accomplice not sufficient, unless corroborated.
Ibid.
Ibid., s. 1371.
State v. Odell, 8 Oreg., 30. State v. Roberts, 15 Oreg., 197. State v. Jarvis, 15 Oreg., 362. State v. Scott, 28 Oreg., 331. State v. Carr, 28 Oreg., 389.

SEC. 160. A conviction can not be had upon the testimony of an accomplice, unless he be corroborated by such other evidence as tends to connect the defendant with the commission of the crime, and the corroboration is not sufficient if it merely show the commission of the crime or the circumstances of the commission.

Evidence on trial for false pretenses.
Ibid.
Ibid., s. 1372.

SEC. 161. Upon a trial for having, by any false pretense, obtained the signature of any person to any written instrument, or obtained from any person any valuable thing, no evidence can be admitted of a false pretense expressed orally and unaccompanied by a false token or writing; but such pretense, or some note or memorandum thereof, must be in writing, and either subscribed by or in the handwriting of the defendant. This section does not apply to an action for falsely representing or personating another, and in such assumed character receiving any such valuable thing.

Evidence of female abducted or seduced must be corroborated.
Ibid.
Ibid., s. 1373.

SEC. 162. Upon a trial for inveigling, enticing, or taking away an unmarried female for the purposes of prostitution, or for having seduced and had illicit connection with an unmarried female, the defendant can not be convicted upon the testimony of the female injured, unless she is corroborated by some other evidence tending to connect the defendant with the commission of the crime.

Court to decide questions of law.

SEC. 163. All questions of law, including the admissibility of testimony, the facts preliminary to such admission, and the construction of statutes and other writings, and other rules of evidence, are to be decided by the court, and all discussions of law addressed to it; and whenever the knowledge of the court is by this act made evidence of a fact, the court is to declare such knowledge to the jury, who are bound to accept it as conclusive.

Knowledge of the court.
Ibid.
Ibid., s. 1374.
State v. May Looke, 7 Oreg., 54.

Jury to receive the law from the court, and to decide the facts.
Ibid.
Ibid., s. 1375.
State v. Reinhart, 26 Oreg., 466.

SEC. 164. Although the jury have the power to find a general verdict, which includes questions of law as well as fact, they are bound, nevertheless, to receive as law what is laid down as such by the court; but all questions of fact, other than those mentioned in the last section, must be decided by the jury, and all evidence thereon addressed to them.

Defendant may be committed after appearance.
Ibid.
Ibid., s. 1376.

SEC. 165. When a defendant who has given bail appears for trial, the court may, in its discretion, at any time after such appearance, order him to be committed to actual custody to abide the judgment or further order of the court; and he must be committed and held in custody accordingly.

CHAPTER SIXTEEN.

OF THE VERDICT.

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171. Jury may convict of any degree of the crime charged, or of an attempt to commit the crime.
172. Jury may convict of any crime necessarily included in that charged.
173. Jury may give verdict as to defendants concerning whom they agree, and cause others to be tried again.
174. When court may direct a reconsideration of verdict.
175. Same subject.
176. Defendant, when to be discharged or detained after acquittal.
177. Custody of defendant when verdict given against him.
178. Proceeding when defendant acquitted on account of insanity.

Verdict may be either general or special.
Laws Oregon, Oct. 19, 1864.
Hill's Ann.

SEC. 166. The jury may either find a general verdict or, where they are in doubt as to the legal effect of the facts proven, they may find a special verdict.

Laws, s. 1377. State v. Spores, 4 Oreg., 198. Jones v. Snider, 8 Oreg., 127.

Form of general verdict, and what it imports.
Ibid.
Ibid., s. 1378.

SEC. 167. A general verdict upon a plea of not guilty is either "guilty" or "not guilty," which imports a conviction or acquittal of the crime charged in the indictment; and upon a plea of a former conviction or acquittal of the same crime the verdict is either "for the United States" or "for the defendant."

Special verdict defined.
Ibid.
Ibid., s. 1379.

SEC. 168. A special verdict is one by which the jury find the facts only, leaving the judgment to the court. It must present the conclusions of fact, as established by the evidence, and not the evidence to prove them; and these conclusions of fact must be so presented as that nothing remains to the court but to draw conclusions of law upon them.

Special verdict, how given.
Ibid.
Ibid., s. 1380.

SEC. 169. The special verdict must be reduced to writing by the jury, or in their presence, under the direction of the court, and agreed to by them, before they are discharged. It need not be in any particular form, but is sufficient if it present intelligibly the facts found by the jury.

Judgment on special verdict.
Ibid.
Ibid., s. 1381.

SEC. 170. The court must give judgment upon the special verdict, as follows:

1. If the verdict be not guilty, and the facts prove the defendant guilty of the crime charged in the indictment, or of any other crime of which he could be convicted under that indictment, as provided in sections one hundred and seventy-one and one hundred and seventy-two, judgment must be given accordingly; but, if otherwise, judgment of acquittal must be given.

Jury may convict of any degree of the crime charged, or of an attempt to commit the same.
Ibid.
Ibid., s. 1382.
State v. Wintzingerode, 8 Oreg., 153. Fitzhugh v. State, 2 Oreg., 217. State v. Grant, 7 Oreg., 414. State v. Taylor, 3 Oreg., 10. State v. Ah Lee, 7 Oreg., 237. State v. Whitney, 7 Oreg., 286. State v. Ryan, 15 Oreg., 573.

SEC. 171. Upon an indictment for a crime consisting of different degrees, the jury may find the defendant not guilty of the degree charged in the indictment, and guilty of any degree inferior thereto, or of an attempt to commit the crime or any such inferior degree thereof.

Jury may convict of any crime necessarily included in that charge.
Ibid.
Ibid., s. 1383.
State v. Cody, 18 Oreg., 519. State v. Steeves, 29 Oreg., 109.

SEC. 172. In all cases, the defendant may be found guilty of any crime, the commission of which is necessarily included in that with which he is charged in the indictment, or of an attempt to commit such crime.

Jury may give verdict as to defendants concerning whom they agree.
Ibid.
Ibid., s. 1384.

SEC. 173. On an indictment against several, if the jury can not agree upon a verdict as to all, they may give a verdict as to those in regard to whom they do agree, on which a judgment must be given accordingly; and the case as to the rest of the defendants may be tried by another jury.

When and how court may direct a reconsideration of verdict.
Ibid.
Ibid., s. 1385.

SEC. 174. When there is a verdict found, in which it appears to the court that the jury have mistaken the law, the court may explain the reason for that opinion, and direct the jury to reconsider their verdict; but if after such reconsideration they find the same verdict, it must be received.

Same subject.
Ibid.
Ibid., s. 1386.

SEC. 175. If the jury find a verdict which is neither a general nor a special verdict, as defined in sections one hundred and sixty-seven and one hundred and sixty-eight, the court may, with proper instructions as to the law, direct them to reconsider it; and the verdict can not be received until it be given in some form from which it can be clearly understood what is the intent of the jury, whether to render a general verdict or to find the facts specially, and to leave the judgment to the court.

When defendant to be discharged or detained after acquittal.
Ibid.
Ibid., s. 1387.

SEC. 176. If judgment of acquittal be given on a general or special verdict, and the defendant be not detained for any other legal cause, he must be discharged as soon as the judgment is given, except that, when the acquittal is for a variance between the proof and the indictment, which may be obviated by a new indictment, the court may order his detention to the end that a new indictment may be preferred, in the same manner and with like effect as provided in sections eighty-nine and ninety.

Custody of defendant when verdict against him.
Ibid.
Ibid., s. 1388.

SEC. 177. If a general verdict be given against the defendant, or a special verdict be given, he must be remanded if in custody; if he has given bail, he may be permitted to await the judgment of the court upon the verdict. When committed his bail is exonerated, or if

money be deposited in lieu thereof, it must be refunded to the defendant.

SEC. 178. If the defense be the insanity of the defendant, the jury must be instructed, if they find him not guilty on that ground, to state that fact in their verdict, and the court must thereupon, if it deems his being at large dangerous to the public peace or safety, order him to be committed to any lunatic asylum authorized by the United States to receive and keep such persons, until he become sane, or be otherwise discharged therefrom by authority of law.

Proceeding when defendant acquitted on account of insanity. Ibid. Ibid., s. 1389.

CHAPTER SEVENTEEN.

OF EXCEPTIONS AND NEW TRIAL.

Sec.
179. Definition of exception.
180. Exceptions, how taken.
181. No particular form of exception required.
182. When exceptions not taken or allowed.
183. Definition of new trial.
184. For what causes granted.
185. Motion for new trial.
186. Same, when made.
187. Motion should state grounds.
188. Counter affidavit, when allowed.

SEC. 179. An exception is an objection taken at the trial to a decision upon matter of law, whether such trial be by jury or court, and whether the decision be made during the formation of a jury, or in the admission of evidence, or in the charge to the jury, or at any other time from the calling of the action for trial to the rendering of the verdict or decision. But no exceptions shall be regarded on a motion for a new trial, or on an appeal, unless the exception be material and affect the substantial rights of the parties.

Definition of exception. Laws Oreg., Oct. 11, 1862. Hill's Ann. Laws, s. 230. State v. Drake, 11 Oreg., 396. Scott v. Cook, 1 Oreg., 24. Oregonian Ry. Co. v. Wright, 10 Oreg., 162. Thompson v. Backenstoss, 1 Oreg., 17. State v. Fort You, 24 Oreg., 67. Victorian No. 2, 26 Oreg., 197. Tucker v. Salem F. M. Co., 15 Ibid., 581.

SEC. 180. The point of the exception shall be particularly stated, and may be delivered in writing to the judge or entered in his minutes, and, at the time or afterwards, be corrected until made conformable to the truth. If an objection is made to any ruling of the court in the progress of a trial, and the truth of the statement thereof is not agreed upon between the counsel and the court, the counsel may verify his statement thereof, by his own oath and that of two respectable and disinterested bystanders, and file the same as an exception to the ruling objected to. Such statement must be filed within the day that the objection is made, and not otherwise. Within one day thereafter, the adverse party may file a statement of the objection as prepared or approved by the court, together with the affidavits of not more than three respectable and disinterested bystanders concerning the truth or falsity of the statement of

Exceptions, how taken. Laws, Oreg., Oct. 20, 1864. Ibid., s. 231. Rogue River Mining Co. v. Walker, 1 Oreg., 341; Ah Lee v. Gong Choy, 13 Ibid., 205; Morgan v. Thompson, Ibid., 230; Chee Gong v. Stearns, 16 Oreg., 219; State v. Chee Gong, 17 Ibid., 635; Janeway v. Holston, 19 Ibid., 97; McQuaid v. P. & V. R'y Co., Ibid., 535; Fiore v. Ladd, 22 Ibid., 202; Johnston v. Oreg. S. L. R. Co., 23 Ibid., 94; Hamilton v. Gordon, 22 Ibid., 561.

the exception s filed by the counsel, and prepared or approved by the court. Each statement of the exception and all affidavits concerning either of them when filed as herein required, shall be deemed a part of the record of the cause, and upon an appeal or review, the appellate court must first ascertain therefrom the truth of the matter, as far as possible, then determine the law arising thereon. The court must allow the counsel a reasonable time to procure the verification of his statement as herein required; and all affidavits of bystanders shall be taken by the clerk of the court, who must certify thereon, if he is satisfied of the fact, that the bystander is respectable and disinterested.

No particular form of exception required.
Laws Oreg., Oct. 11, 1862.
Ibid., 232.
Richards v. Fanning, 5 Oreg., 356. State v. Jackson, 9 ibid., 457. State v. Clements, 15 Oreg., 237. Kelly v. Highfield, ibid., 277. Stanley v. Smith, ibid., 505. State v. Jarvis, 18 ibid., 366. O'Connor v. Van Hoy, 29 ibid., 505.

SEC. 181. No particular form of exception shall be required. The objection shall be stated with so much of the evidence or other matter as is necessary to explain it, but no more.

When exceptions not taken or allowed.
Ibid.
Ibid., s. 233.
Singer Mfg. Co. v. Graham, 8 Oreg., 17. Ah Lep v. Gong Choy, 13 ibid., 205. Scott v. Cook, 11 ibid., 24. Umatilla Irrig. Co. v. Burnhart, 22 Oreg., 389. Bridal v. Lum. Co. v. Johnson, 25 ibid., 107. Kimerg v. Taylor, 29. ibid., 234.

SEC. 182. The statement of the exception, when settled and allowed, shall be signed by the judge and filed with the clerk, and thereafter it shall be deemed and taken to be a part of the record of the cause. No exception need be taken or allowed to any decision upon a matter of law when the same is entered in the journal, or made wholly upon matters in writing and on file in the court.

Definition of w trial.
Ibid.
Ibid., s. 234.

SEC. 183. A new trial is a reexamination of an issue of fact in the same court after a trial and decision or verdict by a court or jury.

For what causes granted.
Ibid.
Ibid., s. 235.
State v. McDonald, 8 Oreg., 113; Arigoni v. Johnson, 6 Oreg., 167; Lander v. Miles, 3 Oreg., 40; Territory v. Latshaw, 1 ibid., 146; Cutler v. Steamer Columbia, ibid., 101; Hallock v. City of Portland, 8 ibid., 29; State v. Mackey, 12 ibid., 154.

SEC. 184. The former verdict or other decision may be set aside and a new trial granted, on the motion of the party aggrieved, for any of the following causes materially affecting the substantial rights of such party:

1. Irregularity in the proceedings of the court, jury, or adverse party, or any order of the court or abuse of discretion, by which such party was prevented from having a fair trial.

2. Misconduct of the jury or prevailing party.

3. Accident or surprise which ordinary prudence could not have guarded against.

4. Newly discovered evidence, material for the party making the application, which he could not with reasonable diligence have discovered and produced at the trial.

5. Insufficiency of the evidence to justify the verdict or other decision, or that it is against law.

6. Error in law occurring at the trial and excepted to by the party making the application.

SEC. 185. A motion for a new trial, with the affidavits, if any, in support thereof, shall be filed within one day after giving the verdict or other decision sought to be set aside. When the adverse party is entitled to oppose the motion by counter affidavits, he shall file the same within one day after the filing of the motion. The motion shall be heard and determined during the term, unless the court continue the same for advisement or want of time to hear it. When not so heard and determined or continued, it shall be deemed withdrawn, and may be disregarded.

Motion for new trial. Ibid. Ibid., s. 236. State v. Roberts, 15 Oreg., 198; Beckman v. Hamlin, 23 ibid., 313.

SEC. 186. Upon a trial by the court, when the decision is given in vacation, a motion for a new trial shall be filed within twenty days from the time of filing such decision. If the next regular term of said court shall commence within less than twenty days from the time of filing such decision, then such motion shall be filed by the first day of said term. In either case the adverse party may, within four days after the filing of the motion, file counter affidavits, where the same are allowed.

Same, when made. Ibid. Ibid., s. 237.

SEC. 187. In all cases of motion for a new trial, the grounds thereof shall be plainly specified, and no cause of new trial not so stated shall be considered or regarded by the court. When the motion is made for a cause mentioned in subdivisions one, two, three, or four of section one hundred and eighty-four, it shall be upon affidavit setting forth the facts upon which such motion is based.

Motion should state grounds. Ibid. Ibid., s. 238.

SEC. 188. If the motion be supported by affidavits, counter affidavits may be offered by the adverse party; and if the cause be newly discovered evidence, the affidavits of any witness or witnesses showing what their testimony will be shall be produced, or good reason shown for their nonproduction; and in the consideration of any motion for a new trial, reference may be had to any proceedings in the case prior to the verdict or other decision sought to be set aside.

Counter affidavits, when allowed. Ibid. Ibid., s. 239.

CHAPTER EIGHTEEN.

OF ARREST OF JUDGMENT.

Sec.
189. Motion in arrest of judgment.
190. Effect of arrest of judgment.
191. Defendant, when to be held.
192. When to be discharged.

SEC. 189. A motion in arrest of judgment is an application on the part of the defendant that no judgment be rendered on a plea or verdict of guilty, or on a verdict against the defendant on a plea of a former conviction or acquittal. It may be founded on either or both of the causes

Motion in arrest of judgment. Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, s. 1391.

specified in subdivisions one and four of section ninety-four, and not otherwise. The motion must be made within the time allowed to file a motion for a new trial, and both such motions may be made together, and heard and decided at once or separately, as the court may direct.

Effect of arresting judgment.
Ibid.
Ibid., s. 1392.

SEC. 190. The effect of allowing a motion in arrest of judgment is to place the defendant in the same situation in which he was before the indictment was found.

When defendant to be held notwithstanding arrest of judgment.
Ibid.
Ibid., s. 1393.

SEC. 191. If, from the evidence given on the trial, there is reasonable ground to believe the defendant guilty, and a new indictment can be framed upon which he may be convicted, the court must order the defendant to be recommitted to custody or admitted to bail, to answer the new indictment, if one be found; and if the evidence show him to be guilty of another crime than that charged in the indictment, he must in like manner be committed or held thereon, and in neither case is the verdict a bar to another action for the same crime.

When defendant must be discharged on arrest of judgment.
Ibid.
Ibid., s. 1394.

SEC. 192. If no evidence appear sufficient to charge the defendant with any crime, he must, if in custody, be discharged, or if he has given bail or deposited money in lieu thereof, his bail is exonerated or his money must be refunded to him; and in such case, the arrest of judgment operates as an acquittal of the charge upon which the indictment was founded.

CHAPTER NINETEEN.

OF THE JUDGMENT.

Sec.
193. Time for pronouncing judgment.
194. What time may be appointed.
195. If conviction for a felony, defendant must be present; if for misdemeanor, not necessary to be present.
196. Defendant, if in custody, must be brought before the court.
197. Proceeding when defendant on bail and does not appear for judgment.
198. Bench warrant to issue.
199. Form of bench warrant.
200. Bench warrant, how served.
201. Court may inquire into circumstances in aggravation or mitigation of punishment.
202. Testimony as to circumstances, how given.
203. Defendant may be examined if he consent.
204. No other testimony or representation to be received.
205. On conviction of two or more crimes, judgment of imprisonment, how given.
206. Judgment to pay fine; duration of imprisonment on.
207. Entry of judgment of conviction.
208. Judgment to pay fine to be docketed, and effect thereof.
209. The name of private prosecutor to be indorsed on indictment.
210. Judgment in case prosecution is malicious.
211. Judgment roll, how and when made.

Time of pronouncing judgment.
Laws Oregon, Oct. 19, 1864.
Hill's Ann. Laws, s. 1395.

SEC. 193. After a plea of guilty, or after a verdict against the defendant on a plea of former conviction or acquittal, if the judgment be not arrested or a new trial granted, the court must appoint a time for pronouncing judgment.

What time may be appointed.
Ibid.

SEC. 194. The time appointed for pronouncing judgment must be at least two days after the verdict, if the court

intend to remain in session so long, or if not, as remote time as can reasonably be allowed; but in no case can the judgment be given, except by the consent of the defendant, in less than six hours after the verdict.

Ibid., s. 1396.

SEC. 195. For the purpose of giving judgment, if the conviction be for a felony, the defendant must be personally present; but if it be for a misdemeanor, judgment may be given in his absence.

If conviction for a felony, defendant must be present; if for misdemeanor, not necessary.
Ibid.
Ibid., s. 1397.

SEC. 196. When the defendant is in custody, the court must direct the officer in whose custody he is to bring him before it for judgment, and the officer must do so accordingly.

If defendant in custody, must be brought before the court.
Ibid.
Ibid., s. 1398.

SEC. 197. If the defendant has given bail or has deposited money in lieu thereof, and does not appear for judgment when his personal attendance is necessary, the court, in addition to the forfeiture of the undertaking of bail or the money deposited, may direct the clerk to issue a bench warrant for his arrest.

Proceeding when defendant on bail and does not appear for judgment.
Ibid.
Ibid., s. 1399.

SEC. 198. At any time after the making of the order for the bench warrant, the clerk, on the application of the district attorney, must issue such warrant, as by the order directed, whether the court be sitting or not.

Bench warrant to issue.
Ibid.
Ibid., s. 1400.

SEC. 199. The bench warrant must be substantially in the following form:

Form of bench warrant.
Ibid.
Ibid., s. 1401.

"District court for the District of Alaska.

"In the name of the United States of America.

"To the United States marshal for said district, or any deputy, greeting:

"A B having been, on the ——— day of ———, eighteen hundred and ——, duly convicted in the court aforesaid of the crime of (designating it generally), this is to command you forthwith to arrest the above-named defendant and bring him before such court for judgment, or if the court have adjourned for the term that you retain him in your custody. By order of the court.

"Witness my hand and seal of said district court, affixed at ———, this ——— day of ———, eighteen hundred and ——.

[L. S.] "C D, *Clerk.*"

Bench warrant, how served.
Ibid.
Ibid., s. 1402.

SEC. 200. Such bench warrant may be served in the same manner as provided in case of a bench warrant upon an indictment.

Court may inquire into circumstances in aggravation or mitigation of punishment.
Ibid.
Ibid., s. 1403.

SEC. 201. After a plea or verdict of guilty, or a verdict against the defendant on a plea of former conviction or acquittal, in a case where a discretion is conferred upon the court as to the extent of the punishment, the court,

upon the suggestion of either party that there are circumstances which may properly be taken into view, either in aggravation or mitigation of the punishment, may, in its discretion, hear the same summarily at a specified time and upon such notice to the adverse party as it may direct.

Testimony as to circumstances, how made.
Ibid.
Ibid., s. 1404.

SEC. 202. The circumstances must be presented by the testimony of witnesses examined in open court, except that when a witness is so sick or infirm as to be unable to attend, his deposition may be taken out of court before such person authorized to take depositions, and at such time and place and upon such notice to the adverse party as the court may direct.

Defendant may be examined if he consent.
Ibid.
Ibid., s. 1405.

SEC. 203. If the defendant consent thereto, he may be examined as a witness in relation to such circumstances; but if he gives his testimony at his own request, then he must submit to be examined generally by the adverse party.

No other testimony or representation to be received.
Ibid.
Ibid., s. 1406.

SEC. 204. No affidavit or testimony or representation of any kind, verbal or written, can be offered to or received by the court in aggravation or mitigation of the punishment, except as provided in the last three sections; and a violation of this section may be punished as a contempt.

On conviction of two or more crimes, judgment of imprisonment, how given.
Ibid.
Ibid., s. 1407.

SEC. 205. If the defendant is convicted of two or more crimes, before judgment on either, the judgment must be that the imprisonment upon any one may commence at the expiration of the imprisonment upon any other of such crimes; and if the defendant be in imprisonment upon a previous judgment on a conviction for a crime, the judgment must be that the imprisonment must commence at the expiration of the term limited by such previous judgment.

Judgment to pay fine, duration of imprisonment on.
Ibid.
Ibid., s. 1408.

SEC. 206. A judgment that the defendant pay a fine must also direct that he be imprisoned in the county jail until the fine be satisfied, specifying the extent of the imprisonment, which can not exceed one day for every two dollars of the fine; and in case the entry of judgment should omit to direct the imprisonment and the extent thereof, the judgment to pay the fine shall operate to authorize and require the imprisonment of the defendant until the fine is satisfied at the rate above mentioned.

Judgment of conviction, entry of.
Ibid.
Ibid, s. 1409

SEC. 207. When judgment upon a conviction is given, the clerk must enter the same in the journal, stating briefly the crime for which the conviction has been had. Such entry may be made at any time during the term, as of the day's proceedings upon which the judgment was given.

Judgment to pay money to be docketed, and effect of.
Ibid.
Ibid, s. 1410.
R. S. U. S., 1878, s. 1041.

SEC. 208. A judgment that the defendant pay either as a fine or as costs and disbursements of the action, or both, must be docketed as a judgment in a civil action and may be enforced by execution against the property of the defendant in like manner as judgments in civil cases are enforced: *Provided*, That where the judgment directs that the defendant shall be imprisoned until the fine or penalty imposed is paid, the issue of an execution on the judgment shall not operate to discharge the defendant from imprisonment until the amount of the judgment is collected or otherwise paid.

Name of private prosecutor to be entered on indictment.
Laws Oreg., Oct. 20, 1882.
Hill's Ann. Laws, s. 1411.

SEC. 209. The name of every person who voluntarily appears before any commissioner, magistrate, or grand jury to prosecute any person in a criminal action, either for a misdemeanor or felony, shall be indorsed upon the complaint, information, or indictment as a private prosecutor; and if it be found by any commissioner, magistrate, or court trying said action or hearing said proceeding that the prosecution is malicious or without probable cause, said facts shall be entered upon record in said action or proceeding by said commissioner, magistrate, or court.

Judgment in case the prosecution is malicious.
Ibid.
Ibid., s. 1412.

SEC. 210. Upon making the entry prescribed in the last preceding section, the commissioner, magistrate, or court must immediately render judgment against the private prosecutor for the costs and disbursements of the action or proceeding, which may be enforced by execution in the same manner as a judgment in a civil action.

Judgment roll, when and how made.
Laws Oregon, Oct. 19, 1864.
Hill's Ann. Laws, s. 1413.
State v. Reinhart, 26 Oreg., 456.

SEC. 211. Immediately after the entry of judgment the clerk must prepare and annex together the following papers, which constitute the judgment roll:

1. The indictment and demurrer, if there be one;

2. A copy of the journal entry of the plea, the trial, and verdict, and of any order involving the merits and necessarily affecting the judgment;

3. A copy of the journal entry of the judgment;

4. The bill of exceptions, if there be one.

And in all cases the clerk must attach upon the outside of the judgment roll a blank sheet of paper, upon which he shall indorse the name of the court, the term at which judgment was given, and the names of the parties to the action and the title thereof, for whom judgment was given, and the amount and nature thereof, and the date of its entry and docketing.

CHAPTER TWENTY.

OF THE EXECUTION.

Sec.
212. Authority for the execution of judgment, except of death.
213. Judgment of imprisonment or for a fine, how executed.
214. Warrant to enforce judgment of death.
215. Death sentence, how and where executed.
216. Judgment for money in criminal action, how enforced.
217. Return of marshal or officer executing judgment.

Authority for the execution of a judgment, except of death.
Laws Oreg., Oct. 19, 1864.
Hill's Ann. Laws, s. 1416.

SEC. 212. When a judgment, except of death, has been pronounced, a certified copy of the entry thereof upon the journal must be forthwith furnished by the clerk to the officer whose duty it is to execute the judgment; and no other warrant or authority is necessary to justify or require its execution.

Judgment of imprisonment or for a fine, how executed.
Ibid.
Ibid., s. 1417.

SEC. 213. When the judgment is imprisonment in the penitentiary, the marshal shall deliver the body of the defendant, together with a copy of the entry of judgment, to the keeper of such prison; and when the judgment is imprisonment in the county jail, or a fine and that the defendant be imprisoned until it be paid, the judgment must be executed by the marshal.

Warrant to enforce judgment of death.
Ibid.
Ibid., s. 1421.
State v. Murphey, 15 Oreg., 205.

SEC. 214. When judgment of death is pronounced, a warrant, signed by the judge of the court and attested by the clerk, with the seal of the court affixed, must be drawn and delivered to the United States marshal. The warrant shall state the conviction and judgment and appoint a day on which the judgment is to be executed, which must not be less than thirty nor more than sixty days from the time of judgment.

Death sentence; how executed.
Laws Oreg., Oct. 28, 1874.
Hill's Ann. Laws, s. 1422.

SEC. 215. The punishment of death must be inflicted by hanging the defendant by the neck until he be dead, and the judgment must be executed by the United States marshal or his deputy; and all executions shall take place in the presence of twelve bona fide inhabitants of the district, to be selected by the marshal; and the fact of the faithful performance of the marshal or his deputy in carrying out the sentence of the court shall be certified by the said twelve inhabitants, and filed in the office of the clerk of the court.

Judgment for money in criminal action may be enforced as in civil action.
Laws Oreg., Oct. 19, 1864.
Hill's Ann. Laws, s. 1424.

SEC. 216. A judgment in a criminal action, so far as it requires the payment of money, whether the same be a fine or costs and disbursements of the action, or both, in addition to the means in this chapter provided, may be enforced as a judgment in a civil action.

SEC. 217. When a judgment in a criminal action has been executed, the marshal or officer executing it must return to the clerk the warrant or copy of the entry of judgment upon which he acted, with a statement of his doings indorsed thereon, and the clerk must file the same and annex it to the judgment roll in the case.

Return of marshal or officer executing judgment.
Ibid.
Ibid., s. 1425.

CHAPTER TWENTY-ONE.

OF APPEALS AND WRITS OF ERROR.

Sec.
218. Appeals and writs of error, how taken.

SEC. 218. Appeals and writs of error in criminal actions may be taken and prosecuted from the decisions and judgments of the district court for the district of Alaska to the Supreme Court of the United States, or to the circuit court of appeals for the ninth circuit, in the same manner and under the same regulations as from the circuit and district courts of the United States, under the acts of Congress now in force or that may he hereafter enacted.

Appeals and writs of error, how taken.
23 Stat. L., c. 24, s. 7.
26 Stat. L., c. 826, ss. 4, 5, 6, 7.

CHAPTER TWENTY-TWO.

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219. Admission to bail defined.
220. Taking bail defined.
221. When defendant can not be admitted to bail.
222. When defendant admitted to bail before conviction, as a matter of right.
223. When defendant may be admitted to bail after conviction and during examination.
224. Who may admit to bail.
225. When only admitted to bail by court or judge where action is pending.
226. Order for admission to bail, how made.
227. Application when denied can not be made to another magistrate.
228. Admission to bail in such cases may be revoked or vacated.
229. When defendant may appeal from decision denying application.
230. Manner of taking such appeal.
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232. Bail, how put in and form of undertaking.
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234. Qualifications of bail.
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236. Bail must be examined as to sufficiency.
237. Other testimony may be received as to the sufficiency of bail.
238. Decision upon a sufficiency of bail, and filing the papers.
239. Discharge of defendant on allowance of bail.
240. Form of bail on appeal.
241. Proceeding when bail disallowed.
242. Application to take bail or be admitted to bail, district attorney may appear.
243. When court or magistrate may require notice of application to be given to district attorney.
244. Bail may be taken with or without notice to the district attorney.

SEC. 219. Admission to bail is the order of a competent court or magistrate that the defendant be discharged from actual custody upon bail.

Admission to bail defined.
Laws Oreg., Oct. 19, 1864.
Hill's Ann. Laws, s. 1457.

SEC. 220. The taking of bail consists in the acceptance, by a competent court or magistrate, of the undertaking of sufficient bail for the appearance of defendant, according

Taking bail defined.
Ibid.
Ibid., s. 1458.
U. S. v. Jones, 3 Wash. C. C., 224.

to the terms of the undertaking, or that the bail will pay to the United States a specified sum of money.

When defendant can not be admitted to bail. Ibid. Ibid., s. 1459.

SEC. 221. The defendant can not be admitted to bail when the proof or presumption of his guilt is evident or strong, and when he is charged with the crime of murder in any degree, or treason, or with the infliction of a personal injury upon another, likely to produce death, and under such circumstances as that, if death ensue, the offense would be murder in any degree.

When defendant admitted to bail before conviction, as a matter of right. Ibid. Ibid., s. 1460.

SEC. 222. If the charge be for any other crime than those mentioned in the last section, the defendant, before conviction, is entitled to be admitted to bail, as a matter of right.

Bail after conviction and during examination. Ibid. Ibid., s. 1461.

SEC. 223. After judgment of conviction of a crime other than those mentioned in section two hundred and twenty-one, a defendant who has appealed, and when there is a stay of proceedings and not otherwise, may be admitted to bail as a matter of right; and as a matter of discretion, a defendant may be admitted to bail for his appearance from day to day before the magistrate, on the examination of the charge, before being held to answer, or discharged.

Who may admit to bail. Ibid. Ibid., s. 1462.

SEC. 224. A magistrate authorized to issue a warrant of arrest, as provided in sections two hundred and eighty-seven and two hundred and eighty-eight, is a magistrate authorized, within his jurisdiction, to admit to bail and to take bail, except as in this chapter otherwise provided.

Bail when action is pending. Ibid. Ibid., s. 1463.

SEC. 225. After an indictment is found, and upon an appeal, a defendant can not be admitted to bail except by the court, or judge thereof, where the action is pending or in which the judgment appealed from is given.

Order for admission to bail; how made. Ibid. Ibid., s. 1464.

SEC. 226. If an application to be admitted to bail be made to a court, an order must be made granting or denying it; and if it be granted, stating the sum in which bail may be taken; but if the application be made to a magistrate, he must certify, in writing, his decision granting or denying the same, and, if he grant it, stating the sum in which bail may be taken.

Application when denied can not be made to another magistrate. Ibid. Ibid., s. 1465.

SEC. 227. If an application for admission to bail be denied, no subsequent application therefor can be made to another magistrate, and a violation of this section may be punished as a contempt.

Admission to bail in such cases may be revoked or vacated. Ibid. Ibid., s. 1466.

SEC. 228. The admission to bail contrary to the last section may be revoked by the magistrate who made it, or vacated by the court or judge thereof in which the defendant is triable for the crime charged.

SEC. 229. If the application for admission to bail, when made to a magistrate, be denied, the defendant may appeal from the decision to the court or judge thereof in which the defendant is triable for the crime charged.

Appeal from decision denying admission to bail.
Ibid.
Ibid., s. 1467.

SEC. 230. Such appeal is taken by a notice to the district attorney that the defendant appeals from the decision of the magistrate, and that he will apply to the court or judge thereof (naming it or him) to be admitted to bail at a time and place therein specified, the former not less than three days from the service of such notice.

Manner of taking such appeal.
Ibid.
Ibid., s. 1468.

SEC. 231. The decision of the court or judge thereof, granting or denying bail, either upon an original application or upon an appeal, is final.

Decision thereon.
Ibid.
Ibid., s. 1469.

SEC. 232. Bail is put in by a written undertaking, executed by two sufficient sureties, and acknowledged before the court or magistrate taking the same. It may be substantially in the following form:

Form of undertaking before indictment.

1. Before indictment:

"An order having been made on the ——— day of ———, eighteen hundred and ——, by A B (adding his official title and place of jurisdiction), that C D be held to answer upon a charge of (stating briefly the nature of the crime), upon which he has been duly admitted to bail in the sum of ——— dollars,

"We, E F, of (stating his place of residence and occupation), and G H, of (stating his place of residence and occupation), hereby undertake that the above-named C D shall appear and answer the charge above-mentioned, in whatever court it may be prosecuted, and shall at all times render himself amenable to the orders and process of the court; and, if convicted, shall appear for judgment, and render himself in execution thereof, or if he fail to perform either of those conditions, that we will pay to the United States the sum of ——— dollars" (inserting the sum in which the defendant is admitted to bail).

2. After indictment and before judgment:

After indictment.

"An indictment having been found on the ——— day of ———, eighteen hundred and ——, in the district court for the District of Alaska, charging A B with the crime of (designating it generally), and he having been duly admitted to bail in the sum of ——— dollars," (the remainder of the undertaking may be in the words of the form number one, substituting the word "indictment" for the word "charge").

3. Upon an appeal:

On appeal.
Ibid.
Ibid., s. 1470.
State v. Gardner, 29 Oreg., 254.

"A judgment having been given on the ——— day of ———, whereby A B was condemned to (setting forth the

terms of the judgment generally), and he having appealed from said judgment and been duly admitted to bail in the sum of ——— dollars,

"We, C D, of (stating his place of residence and occupation), and E F, of (stating his place of residence and occupation), hereby undertake that the above-named A B shall in all respects abide and perform the orders and judgments of the appellate court upon the appeal, or if he fail to do so in any particular, that we will pay to the United States the sum of ——— dollars" (inserting the sum in which the defendant is admitted to bail).

Undertaking, how executed. Ibid. Ibid., s. 1471.

SEC. 233. The undertaking must be dated and signed by the sureties in the presence of the magistrate taking the bail, and he must append thereto a certificate signed by him, with his name of office, and substantially in the following form: "Taken and acknowledged before me the day and year above written."

Qualifications of bail. Ibid. Ibid., s. 1472.

SEC. 234. The qualifications of bail are as follows:

1. Each of them must be a resident within the district; but no counselor or attorney, marshal, clerk of any court, or other officer of any court is qualified to be bail;

2. They must each be worth the sum specified in the undertaking, exclusive of property exempt from execution, and over and above all just debts and liabilities; but the court or magistrate, on taking the bail, may allow more than two bail to justify severally in amounts less than that expressed in the undertaking, if the whole justification be equivalent to that of two sufficient bail.

Bail must justify. Ibid. Ibid., s. 1473.

SEC. 235. The bail must in all cases justify by affidavit; and the affidavit must state that they each possess the qualifications prescribed by the last preceding section.

Bail may be examined as to sufficiency. Ibid. Ibid., s. 1474.

SEC. 236. The district attorney or the court or magistrate may, before the bail is taken, further examine them upon oath, concerning their sufficiency, in such manner as the court or magistrate may deem proper. The statements of the bail in response to the examination must be reduced to writing, and subscribed by them.

Other testimony as to the sufficiency of bail. Ibid. Ibid., s. 1475.

SEC. 237. The court or magistrate may also receive other testimony, either for or against the sufficiency of the bail, and may from time to time adjourn the taking of bail, to afford an opportunity of proving or disproving their sufficiency.

Decision upon the sufficiency of bail, and filing the papers. Ibid. Ibid., s. 1476.

SEC. 238. When the examination is closed, the court or magistrate must indorse upon the undertaking an order either allowing or disallowing the bail, and must forthwith cause the same, with the affidavits and examination of the

sureties and the order of admission to bail, to be filed with the clerk of the court at which the defendant is bound to appear, or where the action is pending, or the judgment appealed from is given, as the case may be.

Discharge of defendant upon allowance of bail. Ibid. Ibid., s. 1477.

SEC. 239. Upon the execution of the undertaking, and the allowance of the bail, the court or magistrate must make an order, signed with his name of office, for the discharge of the defendant, to the following effect:

"To the United States marshal, District of Alaska:

"A B, who is detained by you to answer a (charge or indictment, as the case may be) for the crime of (designating it generally), having given sufficient bail to answer the same, you are commanded forthwith to discharge him from your custody."

Form of bail on appeal. Ibid. Ibid., s. 1478.

SEC. 240. If the bail be taken upon an appeal from a judgment, the order must be to the effect following:

"To the United States marshal, District of Alaska:

"A B, who is detained by you in execution of a judgment whereby he is condemned to (stating the terms of the judgment generally), having appealed from said judgment and given sufficient bail to abide and perform the judgment of the appellate court, you are commanded forthwith to discharge him from your custody."

Proceeding when bail disallowed. Ibid. Ibid., s. 1479.

SEC. 241. If the bail be disallowed, the defendant must be detained in custody until other bail be put in and is allowed.

Application for admission to bail, district attorney may appear. Ibid. Ibid., s. 1480.

SEC. 242. Upon an application for admission to bail or to take bail, the district attorney, either in person or by anyone authorized by him, is entitled to appear and be heard in relation thereto.

When district attorney to have notice. Ibid. Ibid., s. 1481.

SEC. 243. When the admission to bail is a matter of discretion, or the right thereto may be doubtful, the court or magistrate by whom it may be ordered may require such notice of the application therefor as he deems reasonable to be given to the district attorney, or to any person by him authorized to appear for him.

Bail may be taken with or without notice to district attorney. Ibid. Ibid., s. 1482.

SEC. 244. Bail may be taken, in the discretion of the court or magistrate, without notice to the district attorney, or he may require reasonable notice for the application therefor, as in case of an application to bail.

CHAPTER TWENTY-THREE.

OF DEPOSIT INSTEAD OF BAIL.

Sec.
245. Deposit in lieu of bail, when and how made.
246. May be made after bail given and before forfeiture.
247. Bail may be given after deposit.
248. Deposit to be applied in payment of judgment for fine.

Deposit in lieu of bail, when and how made.
Laws Oreg., Oct. 19, 1864.
Hill's Ann. Laws, s. 1483.

SEC. 245. The defendant, at any time after an order admitting him to bail, instead of giving bail may deposit with the clerk of the court at which he is held to answer, or in which the action is pending or the judgment appealed from is given, the sum of money mentioned in the order; and upon delivering to the officer in whose custody he is the clerk's certificate of such deposit he must be discharged from custody.

Deposit may be made after bail given and before forfeiture.
Ibid.
Ibid., s. 1484.

SEC. 246. If the defendant have given bail, he may, at any time before the forfeiture of their undertaking of it, in like manner deposit the sum of money mentioned in the undertaking; and upon the deposit being made and the certificate thereof given, the bail is exonerated.

Bail after deposit.
Ibid.
Ibid., s. 1485.

SEC. 247. If money be deposited, as provided in the last two sections, bail may be given in the same manner as if it had been originally given upon the order for admission to bail, at any time before the forfeiture of the deposit, and the court or magistrate before whom the bail is taken must thereupon direct, in the order of allowance, that the money deposited be refunded by the clerk to the defendant; and it must be refunded accordingly.

Deposit to be applied in payment of judgment for fine.
Ibid.
Ibid., s. 1486.

SEC. 248. When any money has been deposited in lieu of bail, if it remain on deposit at the time of a judgment for the payment of money, the clerk must, under the direction of the court, apply the money in satisfaction thereof, and after satisfying the same must refund the surplus, if any, to the defendant.

CHAPTER TWENTY-FOUR.

OF THE SURRENDER OF THE DEFENDANT.

Sec.
249. Surrender, by whom, when, and how made.
250. Bail may arrest defendant for the purpose of surrender.
251. On surrender, if money deposited, must be refunded.
252. Notice to the district attorney to obtain order for deposit.

Surrender of defendant, when, how, and by whom made.
Laws Oreg., Oct. 19, 1864.
Hill's Ann. Laws, s. 1487.

SEC. 249. At any time before the forfeiture of their undertaking, the bail may surrender the defendant in their exoneration, or he may surrender himself to the officer to whose custody he was committed at the time of giving bail, in the following manner:

1. A certified copy of the undertaking of the bail must

be delivered to the officer, who must detain the defendant in his custody thereon, as upon a commitment, and by a certificate signed with his name of office acknowledge the surrender.

2. At any time after the surrender of the defendant, either by his bail or himself, the court or judge thereof, at which the defendant is bound to appear, or where the action is pending or the judgment appealed from is given, as the case may be, may upon reasonable notice to the district attorney order that the bail be exonerated, and upon the entry or filing of such order, they are exonerated accordingly.

Bail may arrest defendant for the purpose of surrender. Ibid. Ibid., s. 1488.

SEC. 250. For the purpose of surrendering the defendant, the bail, at any time before the forfeiture of their undertaking, and at any place within the district, may themselves arrest him, or by a written authority, indorsed on a certified copy of the undertaking, may empower any other person to do so.

On surrender, if money deposited, must be refunded. Ibid. Ibid., s. 1489.

SEC. 251. If money have been deposited in lieu of bail, and the defendant, at any time before the forfeiture thereof, surrender himself to the officer to whose custody he was committed at the time of making the deposit, in the manner provided in section two hundred and forty-nine, the court or judge thereof must order a return of the deposit to the defendant, upon producing the certificate of the officer showing the surrender, and upon reasonable notice of the application to the district attorney.

Notice to the district attorney to obtain order for deposit. Ibid. Ibid., s. 1490.

SEC. 252. The notice to be given to the district attorney, as required in this chapter, may be given to him personally or to any person authorized to appear for him, as provided in sections two hundred and forty-two and two hundred and forty-three.

CHAPTER TWENTY-FIVE.

OF THE FORFEITURE OF THE UNDERTAKING OF BAIL OR THE DEPOSIT MONEY.

Sec.
253. Undertaking, when forfeited, and how ordered.
254. When and how forfeiture may be discharged.
255. Forfeiture to be enforced by action.
256. Remission of forfeiture.
257. Conditions of remission.
258. Applications therefor, how made, judgment on final.
259. Deposit of money, how disposed of when forfeited.

Undertaking, when forfeited, and how ordered. Laws Oreg. Oct. 19, 1864. Hill's Ann. Laws, s. 1491.

SEC. 253. If, without sufficient excuse, the defendant neglect or fail to appear for arraignment, or for trial or judgment, or upon any other occasion when his presence in court may be lawfully required, or to surrender himself in

execution of the judgment, the court must direct the fact to be entered in its journal; and the undertaking of bail or the money deposited in lieu thereof, as the case may be, is thereupon forfeited.

When and how forfeiture may be discharged.
Ibid.
Ibid., s. 1492.

SEC. 254. If, at any time before the final adjournment of the court, the defendant appear and satisfactorily excuse his neglect or failure, the court may direct the forfeiture of the undertaking or deposit to be discharged, upon such terms as are just.

Forfeiture to be enforced by action.
Ibid.
Ibid., s. 1493.

SEC. 255. If the forfeiture be not discharged, as provided in the last section, the district attorney may, at any time after the adjournment of the court, proceed, by action only, against the bail upon their undertaking.

Remission of forfeiture.
Ibid.
Ibid., s. 1494.

SEC. 256. At any time before judgment against the bail, in an action upon the undertaking, they may apply to the court for a remission of the forfeiture, and thereupon the court, upon good cause shown, may remit the forfeiture or any part thereof, upon such terms as may be just and reasonable, according to the circumstances of the case.

Conditions of remission.
Ibid.
Ibid., s. 1495.

SEC. 257. The court can only remit the forfeiture, in whole or in part, upon the payment of the costs and expenses incurred in the proceedings for its enforcement; and if part only be remitted, judgment must be given against the bail for the remainder, and such judgment is a bar to an action upon the undertaking, or if one be already commenced, it is thereby abated.

Application for remission, how made.
Ibid.
Ibid., s. 1496.

SEC. 258. The application for remission must be upon at least ten days' notice to the district attorney, with copies of all affidavits and papers on which it is founded. The application must admit the forfeiture and their legal obligation to pay the sum mentioned in the undertaking, and the judgment or order of the court in the matter is final.

Deposit of money, how disposed of when forfeited.
Ibid.
Ibid., s. 1497.

SEC. 259. If money deposited in lieu of bail is forfeited, and the forfeiture be not discharged, as provided in section two hundred and fifty-four, the clerk with whom it is deposited must, after the final adjournment of the court, forthwith deposit the same in the same manner as in the case of moneys collected upon judgments in favor of the United States.

CHAPTER TWENTY-SIX.

OF RECOMMITMENT OF THE DEFENDANT AFTER BAIL OR A DEPOSIT OF MONEY IN LIEU THEREOF.

Sec.
260. When defendant may be recommitted.
261. Contents of the order for the arrest.
262. Defendant arrested on copy of order, how served.
263. If for failure to appear for judgment, defendant must be committed.
264. If for other cause he may be admitted to bail.
265. Bail in such case, by whom taken.
266. Form of the undertaking.
267. Qualifications of bail, and how put in.

When defendant may be recommitted.
Laws Oreg., Oct. 19, 1864.
Hill's Ann. Laws, s. 1498.

SEC. 260. The court at which the defendant is bound to appear, or where the action is pending, or the judgment appealed from is given, may, by an order entered upon its journal, direct the arrest of the defendant and his commitment to the officer to whose custody he was committed at the time of giving bail, and his detention until legally discharged, in the following cases:

1. When, by reason of his neglect or failure to appear, he has incurred a forfeiture of his bail, or of money deposited in lieu thereof, as provided in section two hundred and fifty-three.

2. When it satisfactorily appears to the court that his bail, or either of them, are dead or insufficient, or have removed from the district.

3. Upon an indictment being found in the cases provided for in section eighty-four.

Order for recommitment, what may contain and how executed.
Ibid.
Ibid., s. 1499.

SEC. 261. The order for the recommitment of the defendant must recite, generally, the facts upon which it is founded, and direct that the defendant be arrested by the United States marshal or any deputy, to be detained until legally discharged.

Defendant arrested on copy of order, how served.
Ibid.
Ibid., s. 1500.

SEC. 262. The defendant may be arrested pursuant to the order, upon a certified copy thereof, in the same manner as upon a bench warrant.

If for failure to appear for judgment, defendant must be committed.
Ibid.
Ibid., s. 1501.

SEC. 263. If the order recite, as the ground upon which it is made, the failure of the defendant to appear for judgment upon conviction, the defendant must be committed according to the requirement of the order.

If for other cause, he may be admitted to bail.
Ibid.
Ibid., s. 1502.

SEC. 264. If the order be made for any other cause than that specified in the last section, and the crime be bailable, the court may direct in the order that the defendant be admitted to bail, in an amount to be therein specified.

Bail in such case, by whom taken.
Ibid.
Ibid., s. 1503.

SEC. 265. When the defendant is admitted to bail the bail may be taken by any magistrate having authority to take bail, as provided in section two hundred and twenty-

four, or by any particular magistrate, to be designated by the order.

Form of undertaking of bail upon recommitment.
Ibid.
Ibid., s. 1504.

SEC. 266. When bail is taken upon an order for the recommitment of the defendant, the undertaking of bail must be in substantially the form prescribed in section two hundred and thirty-two for the original undertaking of bail, except that it need not refer to the original order of admission to bail and must specify the court in which the order for recommitment and admission to bail is made and the date of such order.

Qualifications of bail, and how put in.
Ibid.
Ibid., s. 1505.

SEC. 267. The bail must possess the qualifications and must be put in in all respects in the manner prescribed by chapter twenty-two of this act.

CHAPTER TWENTY-SEVEN.

OF COMPELLING THE ATTENDANCE OF WITNESSES.

Sec.
268. Subpœnas, etc., how regulated.

Subpœnas, etc., how regulated.
R. S., 1878, c. 17.

SEC. 268. The issuance of subpœnas and all proceedings to compel the attendance of witnesses in criminal actions in the said district shall be regulated by the laws of the United States respecting district and circuit courts.

CHAPTER TWENTY-EIGHT.

OF COMPROMISING CERTAIN CRIMES BY LEAVE OF THE COURT.

Sec.
269. What crimes may be compromised.
270. Compromise by permission of the court; order thereon.
271. Order a bar to another prosecution.
272. No crime can be compromised, except.

What crimes may be compromised.
Laws Oreg., Oct. 19, 1864.
Hill's Ann. Laws, s. 1519.

SEC. 269. When a defendant is held to answer on a charge of misdemeanor, for which the person injured by the act constituting the crime has a remedy by a civil action, the crime may be compromised, as provided in the next section, except when it was committed—

1. By or upon an officer of justice while in the execution of the duties of his office;

2. Riotously; or,

3. With an intent to commit a felony.

Compromise must be by leave of the court; order therefor.
Ibid.
Ibid., s. 1520.
Saxon v. Hill, 6 Oreg., 383.

SEC. 270. If the party injured appear before the court at which the defendant is bound to appear, at any time before trial on an indictment for the crime, and acknowledge in writing that he has received satisfaction for the injury, the court may, in its discretion, on payment of the costs

and expenses incurred, order all further proceedings to be stayed upon the prosecution, and the defendant to be discharged therefrom; but the order and the reasons therefor must be entered on the journal.

Order a bar to another prosecution. Ibid. Ibid., s. 1521.

SEC. 271. The order authorized by the last section, when made and entered, is a bar to another prosecution for the same crime.

No crime can be compromised, except. Ibid. Ibid., s. 1522.

SEC. 272. No crime can be compromised, nor can any proceeding for the prosecution or punishment thereof be stayed upon a compromise, except as provided in this chapter.

CHAPTER TWENTY-NINE.

OF DISMISSAL OF THE ACTION FOR WANT OF PROSECUTION OR OTHERWISE.

Sec.
273. Dismissal of charge when indictment not found at next term.
274. Dismissal of action when not brought to trial at next term after indictment found.
275. Court may continue cause and admit defendant to bail on his own undertaking.
276. Effect of dismissal of action or charge upon bail or deposit.
277. When court may dismiss action on its own motion, or that of the district attorney.
278. *Nolle prosequi* abolished.
279. Dismissal, when a bar to another action.

Dismissal of charge when indictment not found at next term. Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, s. 1523.

SEC. 273. When a person has been held to answer for a crime, if an indictment be not found against him at the next term of the court at which he is held to answer, the court must order the prosecution to be dismissed, unless good cause to the contrary be shown.

Dismissal of action when not brought to trial at next term after indictment found. Ibid. Ibid., s. 1524.

SEC. 274. If a defendant indicted for a crime, whose trial has not been postponed upon his application or by his consent, be not brought to trial at the next term of the court in which the indictment is triable, after it is found, the court must order the indictment to be dismissed, unless good cause to the contrary be shown.

When court may continue cause and admit defendant to bail on his own undertaking. Ibid. Ibid., s. 1525.

SEC. 275. If the defendant be not indicted or tried, as provided in the last two sections, and sufficient reason therefor be shown, the court may order the action to be continued from term to term, and in the meantime may discharge the defendant from custody, on his own undertaking of bail, for his appearance to answer the charge or action at the time to which the same is continued.

Effect of dismissal as to bail or deposit. Ibid. Ibid., s. 1526.

SEC. 276. If the court direct the charge or action to be dismissed, the defendant must, if in custody, be discharged therefrom, or if admitted to bail, his bail is exonerated, or money deposited in lieu thereof must be refunded to him.

When court may dismiss action upon its own motion, or that of the district attorney.

SEC. 277. The court may, either on its own motion or upon the application of the district attorney, and in furtherance of justice, order an action, after indictment, to be

Ibid.
Ibid., s. 1527.
State v. Reinhart, 26 Oreg., 466.

dismissed; but in that case, the reasons of the dismissal must be set forth in the order, which must be entered in the journal.

Nolle prosequi abolished.
Ibid.
Ibid., s. 1528.
State v. Reinhart, 26 Oreg., 466.

SEC. 278. The entry of a *nolle prosequi* is abolished; and the district attorney can not discontinue or abandon a prosecution for a crime, except as provided in the last section.

Dismissal, when a bar to another prosecution.
Ibid.
Ibid., s. 1529.
State v. Reinhart, 26 Oreg., 466.

SEC. 279. An order for the dismissal of a charge or action, as provided in this chapter, is a bar to another prosecution for the same crime if it be a misdemeanor; but it is not a bar if the crime charged be a felony.

CHAPTER THIRTY.

OF THE DISPOSAL OF PROPERTY STOLEN OR EMBEZZLED.

Sec.
280. How officer to hold property alleged to have been stolen or embezzled.
281. Order for delivery to the owner by magistrate.
282. Order by court where trial is had.
283. Effect of order of delivery of property.
284. Receipt for money or property taken from person when arrested.
285. Sale and disposition of property when not claimed.

Custody of property alleged to have been stolen or embezzled.
Laws Oreg., Oct. 19, 1864.
Hill's Ann. Laws, s. 1530.

SEC. 280. When property alleged to have been stolen or embezzled comes into the custody of a peace officer, he must hold it subject to the order of the magistrate or court, as provided in this chapter.

Order for delivery of property to owner.
Ibid.
Ibid., s. 1531.

SEC. 281. On satisfactory proof of the title of the owner of the property, the magistrate who examines the charge against the person accused of the crime must order it to be delivered to the owner, or his duly authorized agent, on his paying the reasonable and necessary expenses incurred in its preservation, to be ascertained and certified by the magistrate.

Same order by court where trial is had.
Ibid.
Ibid., s. 1532.

SEC. 282. If property stolen or embezzled has not been delivered to the owner, the court before which the trial is had for the stealing or embezzling may, on like proof and condition, order its delivery to the owner or his agent.

Effect of order to deliver property.
Ibid.
Ibid., s. 1533.

SEC. 283. The order provided for in the last two sections entitles the owner or his agent to demand and receive the possession of the property from the officer having it in custody, and authorizes such officer to deliver it accordingly, but does not affect the rights of third persons.

Receipt for money or property taken from person arrested.
Ibid.
Ibid., s. 1534.

SEC. 284. When money or other property is taken from a person arrested upon a charge of crime, the officer taking it must at the time give duplicate receipts therefor, specifying particularly the amount of money or kind of property taken, one of which receipts he must then deliver to the person arrested and the other to the magistrate who

examines the charge; or if the arrest be after indictment found, to the clerk of the court where the action is pending.

SEC. 285. If property stolen or embezzled be not claimed by the owner before the expiration of sixty days from the conviction of the person for stealing or embezzling it, the officer having it in custody must, if it be money, pay it to the clerk of the court, or if it be other property, must sell it as upon an execution, and after paying the expenses of the sale and preservation of the property, to be ascertained and certified by the clerk of the court, pay the proceeds to the clerk of the court, to be deposited by him as in the case of moneys collected upon judgments in favor of the United States.

Sale and disposition of property when not claimed.
Ibid.
Ibid., s. 1535.

CHAPTER THIRTY-ONE.

OF THE INFORMATION AND BY WHOM TAKEN.

Sec.
286. Information defined.
287. Magistrate defined.
288. Who are magistrates.

SEC. 286. An information is the allegation or statement made before a magistrate, and verified by the oath of the party making it, that a person has been guilty of some designated crime.

Information defined.
Laws Oreg., Oct. 19, 1864.
Hill's Ann. Laws, s. 1546.

SEC. 287. A magistrate is an officer having power to issue a warrant for the arrest of a person charged with the commission of a crime.

Magistrate defined.
Ibid.
Ibid., s. 1547.

SEC. 288. The following persons are magistrates:

1. The judge of the district court;

2. The commissioners authorized by act of Congress to exercise the powers and duties of justices of the peace.

Who are magistrates.
Ibid.
Ibid., s. 1548.
23 Stat. L., c. 24, s. 5.
28 Stat. L., c. 177, par. 12.
Laws 55th Con., c. 2.

CHAPTER THIRTY-TWO.

OF THE WARRANT OF ARREST.

Sec.
289. Examination of informant and his witnesses.
290. When warrant of arrest to issue.
291. Definition and form of warrant.
292. What warrant is to contain.
293. Peace officer defined.
294. Duty of officer making arrest.
295. Statement and depositions to be sent to magistrate who makes examination.
296. Defendant must be taken before magistrate without delay.

SEC. 289. When complaint is made to a magistrate of the commission of a crime, he must examine the informant on oath, and reduce his statement to writing and cause the same to be subscribed by him, and also take the depositions of any witnesses that the informant may produce in support thereof.

Examination of informant and his witnesses.
Laws Oreg., Oct. 19, 1864.
Hill's Ann. Laws, s. 1549.

Warrant of arrest, when to issue. Ibid. Ibid., s. 1550.

SEC. 290. Therenpon, if the magistrate be satisfied that the crime complained of has been committed, and that there is probable cause to believe that the person charged has committed it, he must issue a warrant of arrest.

Definition and form of warrant. Ibid. Ibid., s. 1551.

SEC. 291. A warrant of arrest is an order in writing, in the name of the United States, signed by a magistrate with his name of office, commanding the arrest of the defendant, and may be substantially in the following form:

"District of Alaska.

"In the name of the United States of America.

"To the United States marshal of the district of Alaska or any deputy, greeting:

"Information upon oath having been this day laid before me that the crime of (designating it) has been committed, and accusing C D thereof:

"You are, therefore, hereby commanded forthwith to arrest the above-named C D and bring him before me at (naming the place), or, in case of my absence or inability to act, before the nearest or most accessible magistrate.

"Dated at ——, this —— day of ——, eighteen hundred and ——.

"E F,

"*Commissioner, ex officio Justice of the Peace.*"

What warrant shall contain. Ibid. Ibid., s. 1552.

SEC. 292. The warrant must specify the name of the defendant, or if it be unknown to the magistrate, the defendant may be designated by a fictitious name, with a statement therein that his true name is unknown, and it must also state a crime in respect of which the magistrate has authority to issue the warrant.

Peace officer defined.

SEC. 293. A peace officer is the United States marshal or any deputy, and a warrant of arrest must be directed to and executed by such officer. For this purpose the marshal or any deputy is to be deemed a constable.

Duty of officer making arrest.

SEC. 294. The officer making the arrest must take the defendant before the magistrate who issued the warrant, or in case he be absent or unable to act, before the nearest or most accessible magistrate, and the officer must, at the same time, deliver to the magistrate the warrant, with his return indorsed and subscribed by him.

Statement and depositions to be sent to the magistrate who makes examination. Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, s. 1564.

SEC. 295. If the defendant be taken for examination before a magistrate other than the one who issued the warrant, the statement and depositions on which the warrant was granted must be sent to that magistrate; or if they can not be procured, the informant and his witnesses must be subpœnaed to give their testimony anew.

Defendant must be taken before magistrate without delay. Ibid. Ibid., s. 1565.

SEC. 296. The defendant must, in all cases, be taken before the magistrate without delay.

CHAPTER THIRTY-THREE.

OF THE ARREST, HOW AND BY WHOM MADE.

Sec.
297. Arrest defined.
298. By whom an arrest may be made.
299. Every person bound to aid an officer in making an arrest.
300. When the arrest may be made on a Sunday.
301. Arrest, how made.
302. No further restraint allowed than is necessary.
303. Officer must state his authority and show warrant if required.
304. If defendant flee or resist, officer may use necessary means.
305. When officer may break open door or window.
306. Same subject.
307. When peace officer may arrest without warrant.
308. May break open door or window if admittance refused.
309. Officer must state his authority and cause of arrest, except.
310. When officer may take person before magistrate, arrested by a bystander.
311. When magistrate may commit for crime committed in his presence.
312. Arrest by private person, when allowed.
313. Must take person before a magistrate or deliver him to a peace officer.
314. Pursuit of person rescued or escaping.
315. May use proper means in making an original arrest.

SEC. 297. Arrest is the taking of a person into custody that he may be held to answer for a crime.

Arrest defined. Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, s. 1566.

SEC. 298. An arrest may be made either—

1. By a peace officer, under a warrant;
2. By a peace officer, without a warrant; or,
3. By a private person.

By whom an arrest may be made. Ibid. Ibid., s. 1567.

SEC. 299. Every person must aid an officer in the execution of a warrant, if the officer require his aid and be present and acting in its execution.

Every person bound to aid officer in making arrest. Ibid. Ibid., s. 1568.

SEC. 300. If the crime charged be a felony, the arrest may be made on any day, and at any time of the day or night; but if it be a misdemeanor, the arrest can not be made on a Sunday, unless upon the direction of the magistrate indorsed upon the warrant.

When arrest may be made on Sunday. Ibid. Ibid., s. 1569.

SEC. 301. An arrest is made by an actual restraint of the person of the defendant, or by his submission to the custody of the officer.

Arrest; how made. Ibid. Ibid., s. 1570.

SEC. 302. The defendant is not to be subjected to any more restraint than is necessary and proper for his arrest and detention.

No further restraint allowed than is necessary. Ibid. Ibid., s. 1571.

SEC. 303. The officer must inform the defendant that he acts under the authority of the warrant, and must also show the warrant if required by the defendant.

Officer must state his authority. Ibid. Ibid., s. 1572.

SEC. 304. If, after notice of intention to arrest the defendant, he either flee or forcibly resist, the officer may use all necessary and proper means to effect the arrest.

If defendant flee or resist. Ibid. Ibid., s. 1573. Lander v. Miles, 3 Oreg., 35.

SEC. 305. The officer may break open any outer or inner door or window of a dwelling house, or otherwise, to execute the warrant, if after notice of his authority and purpose he be refused admittance.

When officer may break open door or window. Ibid. Ibid., s. 1574.

Same subject. Ibid. Ibid., s. 1575.

SEC. 306. The officer may break open any outer or inner door or window of a dwelling house, or otherwise, for the purpose of liberating a person who, having entered for the purpose of making an arrest, is detained therein, or when necessary for his own liberation.

When peace officer may arrest without warrant. Ibid. Ibid., s. 1576.

SEC. 307. A peace officer may, without a warrant, arrest a person—

1. For a crime committed or attempted in his presence;

2. When the person arrested has committed a felony, although not in his presence;

3. When a felony has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it.

May break open door or window. Ibid. Ibid., s. 1577.

SEC. 308. To make arrests, as provided in the last section, the officer may break open any door or window, as provided in sections three hundred and five and three hundred and six, if, after notice of his office and purpose, he be refused admittance.

Officer must state his authority, except. Ibid. Ibid., s. 1578.

SEC. 309. When arresting a person without a warrant, the officer must inform him of his authority and the cause of the arrest, except when he is in the actual commission of a crime, or is pursued immediately after its commission, or an escape.

When person arrested by a bystander. Ibid. Ibid., s. 1579.

SEC. 310. An officer may, without warrant, take before a magistrate a person who, being engaged in a breach of the peace, is arrested by a bystander and delivered to him.

Arrest by order of magistrate. Ibid. Ibid., s. 1580.

SEC. 311. When a crime is committed in the presence of a magistrate he may, by a verbal or written order, command any person to arrest the offender, and may thereupon proceed as if the offender had been brought before him upon a warrant of arrest.

Arrest by private person. Ibid. Ibid., s. 1581.

SEC. 312. A private person may arrest another for the causes specified in section three hundred and seven, in like manner and with like effect as a peace officer without warrant.

Private person must take person arrested before magistrate or peace officer. Ibid. Ibid., s. 1582.

SEC. 313. A private person, who has arrested another for the commission of a crime, must without unnecessary delay take him before a magistrate or deliver him to a peace officer.

Pursuit of person rescued or escaping. Ibid. Ibid., s. 1583.

SEC. 314. If a person arrested escape or be rescued, the person from whose custody he escaped or was rescued may immediately pursue and retake him at any time and in any place in said district.

In making recapture may use means proper on original arrest. Ibid. Ibid., s. 1584.

SEC. 315. To retake the person escaping or rescued, the person pursuing may use all the means and do any act necessary and proper in making an original arrest.

CHAPTER THIRTY-FOUR.

OF THE EXAMINATION OF THE CASE AND DISCHARGE OF THE DEFENDANT OR HOLDING HIM TO ANSWER.

Sec.
316. Magistrate to inform defendant of the charge and his right to counsel.
317. Time to send, and sending for counsel.
318. Examination, when to proceed.
319. Examination, when completed; adjournment.
320. On adjournment defendant to be committed or give bail.
321. Form of commitment.
322. When witnesses to be subpœnaed.
323. Witnesses to be examined in presence of defendant.
324. Defendant to be informed of his right to make a statement.
325. Waiver of his right and effect thereof.
326. Statement of defendant, how taken.
327. Same subject.
328. How reduced to writing and how authenticated.
329. Statement of defendant, when used as testimony.
330. Defendant's witnesses to be examined, when.
331. Magistrate may exclude witnesses.
332. Testimony of witnesses need not be reduced to writing.
333. Proceedings in testimony, how and by whom kept.
334. Violation of last section, how punished.
335. Informant may employ counsel, but district attorney to control proceedings.
336. Defendant, when and how discharged.
337. Same subject.
338. Defendant, when to be committed; order for commitment.
339. Defendant, how committed.
340. Form of commitment.
341. Commitment to be directed to marshal, and how defendant to be kept.
342. Order for bail on commitment.
343. Undertaking for material witnesses.
344. Security for appearance of witnesses, when may be required.
345. Infants and married women may be required to give security.
346. Witness refusing to give undertaking must be committed.
347. Magistrate to return proceedings and papers.

Magistrate to inform defendant of charge.
Laws Oreg., Oct. 19, 1864.
Hill's Ann. Laws, s. 1585.

SEC. 316. When the defendant is brought before a magistrate upon an arrest, either with or without warrant, on a charge of having committed a crime, the magistrate must immediately inform him of the charge against him, and of his right to the aid of counsel, before any further proceedings are had.

Time to send, and sending, for counsel.
Ibid.
Ibid., s. 1586.

SEC. 317. He must allow the defendant a reasonable time to send for counsel, and adjourn the examination for that purpose; and may, upon the request of the defendant, require a peace officer to take a message to such counsel in the precinct, town, or village as the defendant may name. The officer, when required by the magistrate, must take the message without delay.

Examination, when to proceed.
Ibid.
Ibid., s. 1587.

SEC. 318. Immediately after the appearance of counsel, or if, after waiting a reasonable time, none appear, or if the defendant do not require counsel, the magistrate must proceed to examine the case.

Examination, when completed.
Ibid.
Ibid., s. 1588.

SEC. 319. The examination must be completed at one session, unless the magistrate, for good cause shown by affidavit, adjourn it; and the adjournment can not be for more than one day at each time, nor more than six days in all, unless by consent or on motion of the defendant.

On adjournment, defendant to be committed or give bail.
Ibid.
Ibid., s. 1589; Hannah v. Wells, 4 Oreg., 219; State v. Gardner, 29 Oreg., 254.

SEC. 320. If an adjournment be had for any cause, the magistrate must commit the defendant for examination, or may, in his discretion, discharge him from custody until the close of the examination, upon his giving bail or depositing money in lieu thereof, as provided in this act, for his appearance at the time to which the examination is adjourned.

Form of commitment.
Ibid.
Ibid., s. 1590.

SEC. 321. The commitment for examination is by an indorsement, signed by the magistrate, on a warrant of arrest, to the following effect: "The within-named A B, having been brought before me under this warrant, is committed for examination to the custody of the officer having him in charge."

Witnesses, when to be subpœnaed.
Ibid.
Ibid., s. 1591.

SEC. 322. At the examination the magistrate must, in the first place, read to the defendant the statement and depositions upon which the warrant of arrest is issued, and if the defendant request it, must subpœna the informant and witnesses so examined, if they be within twenty miles of the place where the magistrate sits, and if they be within such distance he must issue subpœnas for additional witnesses when required by the informant or the defendant.

Examination of witnesses.
Ibid.
Ibid., s. 1593.

SEC. 323. The witnesses must be examined in the presence of the defendant, and may be cross-examined in his behalf or against him.

Defendant to be informed of his right to make a statement.
Ibid.
Ibid., s. 1594.
State v. Hatcher, 29 Oreg., 309.

SEC. 324. When the examination of the witnesses on the part of the United States is closed, the magistrate must inform the defendant that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him, if he see fit, to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver can not be used against him on the trial.

Waiver of his right.
Ibid.
Ibid., s. 1595.

SEC. 325. If the defendant waive his right to make a statement, the magistrate must make a memorandum thereof in the proceedings; but the fact of his waiver can not be used against the defendant on the trial.

Statement of defendant.
Ibid.
Ibid., s. 1596.

SEC. 326. If the defendant choose to make a statement, the magistrate must proceed to take it in writing, without oath, and must put to the defendant the following questions only:

1. What is your name and age?
2. Where were you born?
3. Where do you reside, and how long have you resided there?
4. What is your business or occupation?
5. Give any explanation you may think proper of the

circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation.

Same subject. Ibid. Ibid., s. 1597.

SEC. 327. The answer of the defendant to each of the questions must be read to him as it is taken down. He may thereupon correct or add to his answer until it is made conformable to what he declares to be the truth.

Statement of defendant, how authenticated. Ibid. Ibid., s. 1598.

SEC. 328. The statement of the defendant must be reduced to writing by the magistrate or under his direction, and authenticated in the following form:

State v. Hatcher, 29 Oreg., 309.

1. It must set forth that the defendant was informed of his rights as provided in section three hundred and twenty-four, and that after being so informed he made the statement;

2. It need not contain the questions put to the defendant, but must contain his answers thereto, with the corrections and additions, if any are made;

3. It may be signed by the defendant, but if he refuses to sign it, his reason therefor must be stated as he gives it;

4. It must be signed and certified to by the magistrate.

Statement of defendant, when used as evidence. Ibid. Ibid., s. 1599.

SEC. 329. The statement of the defendant is competent testimony to be laid before the grand jury, and may be given in evidence against the defendant on the trial.

Examination of defendant's witnesses. Ibid. Ibid., s. 1600.

SEC. 330. After the waiver of the defendant to make a statement, or after he has made it, his witnesses, if he produce any, must be sworn and examined.

Magistrate may exclude witnesses. Ibid. Ibid., s. 1601.

SEC. 331. The magistrate may exclude the witnesses who have not been examined during the examination of the defendant, or during the examination of the witnesses for the United States or the defendant.

Testimony need not be reduced to writing, except. Ibid. Ibid., s. 1602.

SEC. 332. The testimony of the witnesses need not be reduced to writing, except as provided in section two hundred and eighty-nine, but the magistrate must make a memorandum of the name of each witness, his place of residence, and business or occupation.

Proceeding in testimony. Ibid. Ibid., s. 1603.

SEC. 333. The magistrate must keep the statement and depositions taken on the information, the statement of the defendant, if any, together with the memorandum specified in sections three hundred and twenty-five and three hundred and thirty-two, until they are returned to the proper court, and must not permit them to be inspected by any person except the district attorney or the attorney who acts for him and the defendant and his counsel.

Violation of last section. Ibid. Ibid., s. 1604.

SEC. 334. A violation of the last section is punishable as a contempt by the court having jurisdiction of the crime charged against the defendant.

Informant may employ counsel.
Ibid.
Ibid., s. 1605.

SEC. 335. The informant may employ counsel to appear against the defendant on the examination in every stage of the proceedings; but the district attorney, either in person or by some attorney authorized to act for him, is entitled to appear on behalf of the United States and control and conduct the prosecution.

Defendant, when and how discharged.
Ibid.
Ibid., s. 1606.

SEC. 336. After hearing the proofs and the statement of the defendant, if he have made one, if it appear either that a crime has not been committed or that there is no sufficient cause to believe the defendant guilty thereof, the magistrate must order the defendant to be discharged, by an indorsement on the warrant signed by him, to the following effect: "There being no sufficient cause shown to believe the within-named A B guilty of the crime within mentioned, I order him to be discharged."

Same subject.
Ibid.
Ibid., s. 1607.

SEC. 337. If the arrest have been made without warrant, the discharge may be made by a certificate in writing, signed by the magistrate, to the following effect: "There being no sufficient cause shown to believe A B, brought before me without warrant, guilty of the crime of (designating it generally), I order him to be discharged." This certificate must be delivered to the defendant.

Defendant, when to be committed.
Ibid.
Ibid., s. 1608.

SEC. 338. If, however, it appear from the examination that a crime has been committed, and that there is sufficient cause to believe the defendant guilty thereof, the magistrate must make a written order, signed by him, to the following effect: "It appearing to me from the testimony produced before me on the examination, that the crime of (designating it generally) has been committed, and that there is sufficient cause to believe A B guilty thereof, I order him to be held to answer the same."

Defendant, how committed.
Ibid.
Ibid., s. 1609.

SEC. 339. If the magistrate order the defendant to be held to answer, as provided in the last section, he must make out a commitment, signed by him with his name of office, and deliver it with the defendant, to the officer to whom he is committed, or if that officer be not present, to any peace officer, who must immediately deliver the defendant into the proper custody, together with the commitment.

Form of commitment.
Ibid.
Ibid., s. 1610.

SEC. 340. The commitment may be in substantially the following form:

"In the name of the United States of America.

"To the United States marshal for the District of Alaska, greeting:

"An order having been this day made by me, that A B be held to answer upon a charge (designating it generally),

you are therefore commanded to receive him in your custody, and detain him until legally discharged.

"Dated at ———, this ——— day of ———, eighteen hundred and ——.

"C D,

"*Commissioner and ex officio Justice of the Peace.*"

Commitment to be directed to marshal; how defendant kept.
Ibid.
Ibid., s. 1612.

SEC. 341. The commitment must be directed to the United States marshal, who must receive and detain the defendant by such means as may be necessary and proper therefor.

Order for bail on commitment.
Ibid.
Ibid., s. 1613.

SEC. 342. If the crime be bailable, the magistrate must admit the defendant to bail by adding to the order mentioned in section three hundred and thirty-eight words to the following effect: "And I have admitted him to bail, to answer in a sum of ——— dollars." The defendant may either put in bail, according to the order of admission, then or afterwards; but if it be not put in before he is delivered to the officer for commitment, the magistrate must indorse the amount of the bail on the writ.

Undertaking for material witnesses.
Ibid.
Ibid., s. 1614.

SEC. 343. On holding the defendant to answer, the magistrate may take from each of the material witnesses examined before him on behalf of the United States a written undertaking, to the effect that he will appear and testify at the court in which the defendant is held to answer, or that he will pay to the United States the sum of one hundred dollars.

Security for appearance of witnesses.
Ibid.
Ibid., s. 1615.

SEC. 344. When the magistrate has good reason to believe, by proof produced before him, that any such witness will not appear and testify unless security therefor be given, he may order the witness to enter into a written undertaking, with such sureties and in such sum as he may deem proper, for his appearance, as specified in the last section.

Infants and married women may be required to give security.
Ibid.
Ibid., s. 1616.

SEC. 345. Infants and married women who are material witnesses against the defendant may in like manner be required to procure sureties for their appearance as provided in the last section.

Witnesses, when to be committed.
Ibid.
Ibid., s. 1617.

SEC. 346. If a witness required to enter into an undertaking to appear and testify, either with or without sureties, refuse compliance with the order for that purpose, the magistrate must commit him to the custody of the marshal until he comply or be legally discharged.

To what court and when magistrate to return proceedings and papers.
Ibid.
Ibid., s. 1618.

SEC. 347. When a magistrate has discharged a defendant or has held him to answer, as provided in sections three hundred and thirty-six, three hundred and thirty-seven, and three hundred and thirty-eight, he must return

to the court at which the defendant is held to answer, at or before the first day of the next term thereof, the warrant, if any, the statement and depositions of the informant and his witnesses, the statement of the defendant, if he have made one, the memoranda specified in sections three hundred and twenty-five and three hundred and thirty-two, and all undertakings of bail for the appearance of witnesses taken by him.

CHAPTER THIRTY-FIVE.

OF THE PREVENTION OF CRIMES AND SECURITY TO KEEP THE PEACE.

Sec.
348. Resistance to the commission of crime, by whom made.
349. Officers of justice may interfere to prevent crime, and how.
350. Persons acting in their aid are justified.
351. Information of threatened crime, before whom laid.
352. Examination of complainant and witnesses.
353. Warrant of arrest, when issued.
354. Warrant of arrest, to whom directed, form of, and how served.
355. Proceedings on complaint being controverted.
356. Conduct of the examination as to adjournment, commitment, and bail.
357. Subpœnas, when issued.
358. Persons complained of entitled to make statement.
359. When to be discharged.
360. Security to keep the peace, when required.
361. Qualifications of sureties.
362. Persons complained of to be committed if security be not given.
363. Form of commitment.
364. Breach of peace committed in presence of court or magistrate.
365. Person committed for not giving security, how discharged.
366. Undertaking or statement to be transmitted to district court.
367. Evidence to be transmitted with undertaking.
368. Undertaking, when forfeited.
369. Proceedings in case of forfeiture, how regulated.
370. Proceeding if complainant do not appear in district court.
371. Proceeding in district court.
372. Right of sureties in undertaking to keep the peace.
373. When court may require defendant to give security.
374. Undertaking to keep the peace to include good behavior.

Resistance to the commission of crime.
Laws Oreg., Oct. 19, 1864.
Hill's Ann. Laws, s. 1619.

SEC. 348. Resistance to the commission of crime may be lawfully made by the party about to be injured, or by any other person in his aid or defense.

1. To prevent a crime against his person.

2. To prevent an illegal attempt, by force, to take or injure property in his possession.

Officers of justice may interfere to prevent crime, and how.
Ibid.
Ibid., s. 1620.

SEC. 349. Crimes may be prevented by the intervention of the officers of justice—

1. By requiring security to keep the peace;

2. By forming a police in towns, villages, and settlements, and by requiring their attendance at exposed places;

3. By suppressing riots.

Persons acting in aid of officers justified.
Ibid.
Ibid., s. 1621.

SEC. 350. When the officers of justice act in the prevention of crime, other persons who by their command act in their aid are justified in so doing.

Information of threatened crime, before whom laid.
Ibid.
Ibid., s. 1622.

SEC. 351. An information may be laid before any of the magistrates mentioned in section two hundred and eighty-eight that a person has threatened to commit a crime against the person or property of another.

SEC. 352. When the complaint is made to a magistrate, he must examine the complainant on oath, and reduce his statement to writing, and cause the same to be subscribed by him, and also take the depositions of any witnesses that the complainant may produce in support thereof.

Examination of complainant and witnesses.
Ibid.
Ibid., s. 1623.

SEC. 353. Thereupon, if it appear to the magistrate that there is good reason to fear the commission of the crime threatened by the person complained of, he must issue a warrant for the arrest of such person.

Warrant of arrest, when issued.
Ibid.
Ibid., s. 1624.

SEC. 354. The warrant must be directed and executed as a warrant of arrest, and may be substantially in the same form, except that, instead of reciting the commission of a crime, it must recite the substance of the threat to commit one, according to the information.

Warrant of arrest, to whom directed, etc.
Ibid.
Ibid., s. 1625.

SEC. 355. When the person complained of is brought before a magistrate, if the charge be controverted he must take the testimony in relation thereto, and the evidence must be reduced to writing and subscribed by the witness.

Proceedings on complaint being controverted.
Ibid.
Ibid., s. 1627.

SEC. 356. The magistrate may adjourn the examination and commit the person complained of, or take bail or a deposit of money in lieu thereof, as provided in sections three hundred and nineteen, three hundred and twenty, and three hundred and twenty-one.

Adjournment of examination.
Ibid.
Ibid., s. 1628.

SEC. 357. The magistrate must issue subpœnas for witnesses for the complainant or person complained of if such witnesses be within twenty miles from the place where the magistrate is sitting.

Subpœna, when issued.
Ibid.
Ibid., s. 1629.

SEC. 358. The person complained of is entitled, if he choose, to make a statement concerning the charge against him, as provided in sections three hundred and twenty-six, three hundred and twenty-seven, and three hundred and twenty-eight.

Person complained of entitled to make statement.
Ibid.
Ibid., s. 1630.

SEC. 359. If from the examination it appear that there is no good reason to fear the commission of the crime alleged to have been threatened, the person complained of must be discharged; the order for the discharge must be indorsed upon the warrant, and signed by the magistrate with his name of office, and may be to the following effect: "There being no good reason shown to fear the commission of the crime within mentioned by the within-named A B, I order him to be discharged."

Person complained of, when to be discharged.
Ibid.
Ibid., s. 1631.

SEC. 360. If, however, there be good reason to fear the commission of the crime, the person complained of must be required to enter into an undertaking in such sum, not exceeding two thousand dollars, as the magistrate may direct, with one or more sufficient sureties, to abide the order of the district court, and in the meantime to keep

Security to keep the peace.
Ibid.
Ibid., s. 1632.

the peace toward the people of said district, and particularly toward the complainant.

Qualification of sureties. Ibid. Ibid., s. 1633.

SEC. 361. The sureties in the undertaking must have the qualifications of bail, and justify thereto as provided in sections two hundred and thirty-four and two hundred and thirty-five.

If security not given. Ibid. Ibid., s. 1634.

SEC. 362. If the undertaking required by section three hundred and sixty be given, the party complained of must be discharged; but if he do not give it, the magistrate must commit him to the custody of the marshal, specifying in the commitment the requirement to give security, the amount thereof, and the omission to give the same.

Form of commitment. Ibid. Ibid., s. 1635.

SEC. 363. The commitment may be in substantially the following form:

"In the name of the United States of America.

"To the United States marshal for the district of Alaska, greeting:

"An order having been this day made by me, that A B give an undertaking in the sum of ——— dollars, as security to keep the peace and abide the order of the district court, and the said A B having failed to give such undertaking, you are therefore commanded to receive him into your custody, and detain him until legally discharged.

"Dated at ———, this ——— day of ———, eighteen hundred and ——.

"C D,

"*Commissioner and ex officio Justice of the Peace.*"

Breach of peace committed in presence of court or magistrate. Ibid. Ibid., s. 1637.

SEC. 364. A person who, in the presence of a court or magistrate, assaults or threatens to assault another, or to commit an offense against his property, or who contends with another with angry words to the disturbance of the peace, may be ordered by the court or magistrate, without warrant or other proof, to give security as provided in section three hundred and sixty, or if he omit to do so may be committed as provided in section three hundred and sixty-two.

Person committed for not giving security, how discharged. Ibid. Ibid., s. 1638.

SEC. 365. A person committed for not giving an undertaking to keep the peace may at any time thereafter, upon giving the required undertaking, be discharged from custody by the order of any magistrate before whom the information might have been laid.

Undertaking or statement to be transmitted to district court. Ibid. Ibid., s. 1639.

SEC. 366. An undertaking to keep the peace must be transmitted by the first day of the term to the district court by the magistrate to whom it is given; but if the person be committed for want of an undertaking, the mag-

istrate must in like manner, transmit a statement of the commitment.

SEC. 367. With the undertaking or statement mentioned in the last section, the magistrate must also transmit the evidence taken by him for and against the charge.

Evidence to be transmitted with undertaking.
Ibid.
Ibid., s. 1640.

SEC. 368. A person who has entered into an undertaking to keep the peace must appear on the first day of the next term of the district court, and abide the order thereof; and if he do not, the court must direct the fact to be entered in its journal, and the undertaking is thereupon forfeited. The undertaking is also forfeited upon the person complained of being convicted of a breach of the peace.

Undertaking, when forfeited.
Ibid.
Ibid., s. 1641.

SEC. 369. Sections two hundred and fifty-four to two hundred and fifty-eight, inclusive, shall apply to and govern the excusing of a forfeiture of the undertaking, the remission of the forfeiture, and the prosecution of the undertaking.

Proceedings in case undertaking forfeited.
Ibid.
Ibid., s. 1642.

SEC. 370. If the complainant do not appear at the district court, the person complained of may be discharged, unless good cause to the contrary be shown.

If complainant do not appear.
Ibid.
Ibid., s. 1643.

SEC. 371. If both parties appear, the court must hear the proofs and allegations transmitted by the magistrate, and such other evidence as the parties may produce, and may either discharge the undertaking or require a new one, for a time not exceeding one year; but no person can be compelled to attend as a witness before the court who has been examined before the magistrate.

Proceeding in district court.
Ibid.
Ibid., s. 1644.

SEC. 372. The sureties in an undertaking to keep the peace are entitled to the rights and authority of bail, as provided in chapter twenty-two of this act, and may be exonerated from their undertaking in the manner therein prescribed.

Rights of sureties in undertaking to keep peace.
Ibid.
Ibid., s. 1645.

SEC. 373. The court before whom any person is convicted of a crime, which by the judgment of such court is punished otherwise than by death or imprisonment in the penitentiary, may require such person to enter into an undertaking as provided in section three hundred and sixty, for a period not exceeding two years, and in default thereof may commit him until the undertaking be given or the period expired.

When court may require defendant to give security.
Ibid.
Ibid., s. 1646.

SEC. 374. An undertaking to keep the peace shall be taken and deemed to be an undertaking to be of good behavior also, and can not be required except as provided in this chapter.

Undertaking to keep the peace.
Ibid.
Ibid., s. 1647.

CHAPTER THIRTY-SIX.

OF THE SUPPRESSION OF RIOTS.

Sec.
375. How and by whom rioters commanded to disperse.
376. If rioters do not disperse, to be arrested.
377. Consequence of refusing to aid officers.
378. Magistrate or officer neglecting to act guilty of misdemeanor.
379. Proceedings if rioters do not disperse.
380. If death ensue, who deemed guilty thereof.

How and by whom rioters commanded to disperse.
Laws Oreg., Oct. 19, 1864.
Hill's Ann. Laws, s. 1649.

SEC. 375. When any persons, to the number of three or more, whether armed or not, are unlawfully or riotously assembled in any town, village, or settlement, the marshal and his deputies, the chief executive officer of such town, village, or settlement, and the commissioners as justices of the peace for the precinct where the assemblage takes place, must go among the persons assembled, or as near to them as they can with safety, and command them in the name of the United States to disperse.

If rioters do not disperse, to be arrested.
Ibid.
Ibid., s. 1650.

SEC. 376. If the persons assembled do not immediately disperse, the magistrates and officers must arrest them or cause them to be arrested, that they may be punished according to law, and for that purpose may command the aid of all persons present.

Consequence of refusing to aid officers.
Ibid.
Ibid., s. 1651.

SEC. 377. If a person so commanded to aid the magistrate or officers, or any of them, mentioned in section three hundred and seventy-five, neglect to do so, he is deemed one of the rioters, and may be treated and is punishable accordingly.

Magistrate or officer neglecting to act guilty of misdemeanor.
Ibid.
Ibid., s. 1652.

SEC. 378. If a magistrate or officer having notice of an unlawful or riotous assembly, mentioned in section three hundred and seventy-five, neglect to proceed to the place of assembly, or as near thereto as he can with safety, and to exercise the authority with which he is invested for suppressing the same and arresting the offenders, he is guilty of a misdemeanor.

Proceedings if rioters do not disperse.
Ibid.
Ibid., s. 1653.

SEC. 379. If the persons assembled and commanded to disperse do not immediately disperse, any two of the magistrates or officers mentioned in section three hundred and seventy-five may command the aid of a sufficient number of persons, armed or otherwise, as may be necessary, and may proceed in such manner as in their judgment may be most expedient to disperse the assembly and arrest the offenders.

If death ensue, who deemed guilty thereof.
Ibid.
Ibid., s. 1659.

SEC. 380. If, in the effort to suppress or disperse any unlawful or riotous assembly, or to arrest or detain any of the persons engaged therein, any such rioters or other persons then present as spectators or otherwise be killed or wounded, the magistrate and officers and persons acting

in their aid are guiltless thereof; but if any such magistrate or officers or persons acting in their aid be killed or wounded, all the persons engaged in such assembly are guilty thereof.

CHAPTER THIRTY-SEVEN.

OF THE CORONER'S INQUEST AND PROCEEDINGS THEREON.

Sec.
381. Commissioners to act as coroners.
382. Duty of coroners.
383. To summon jury to hold inquest.
384. Oath of jury.
385. Witnesses to be subpœnaed to include physician.
386. Compelling attendance of witnesses.
387. Verdict of jury.
388. Testimony, how taken.
389. To issue warrant, when, and proceedings thereon.
390. When coroner to bury body.
391. Coroner's statement of expenses.
392. Inventory of property found on the deceased.
393. Disposition of property.

Commissioners to act as coroners.

SEC. 381. The commissioners appointed by the President of the United States and those appointed by the judge of the district court in pursuance of the provisions of this act shall perform the duties and exercise the authority of coroners.

Duty of coroners. Hill's Ann. Laws, s. 1027.

SEC. 382. Every such commissioner has the power and it is his duty, when he is informed that a person has been killed or dangerously wounded by another or has suddenly died under such circumstances as to afford a reasonable ground to suspect that his death has been occasioned by criminal means or has committed suicide, to inquire by the intervention of a jury into the cause of the death or wound, and to perform the other duties incidental thereto in the manner prescribed by statute.

To summon jury to hold inquest. Laws Oreg., Oct. 19, 1864. Hill's Ann. Laws, s. 1660.

SEC. 383. In such case he must go to the place where the dead or wounded person is, and forthwith summon six persons, qualified by law to serve as jurors, to appear before him forthwith at a specified place, to inquire into the cause of the death or wound.

Oath of jury. Ibid. Ibid., s. 1661.

SEC. 384. When the jurors to the number of six appear, they must be sworn by the coroner to inquire who the person was, and when, where, and by what means he came to his death or was wounded, as the case may be, and into the circumstances attending the death or wounding, and to give a true verdict thereon, according to the evidence offered to them or arising from the inspection of the body.

Witnesses to be subpœnaed to include physician. Ibid. Ibid., s. 1662.

SEC. 385. The commissioner must subpœna and examine as witnesses every person who in his opinion has knowledge of the material facts, and also a surgeon or physician, who must, in the presence of the jury, inspect the body and give a professional opinion as to the cause of the death or wounding.

Compelling attendance of witnesses.
Ibid.
Ibid., s. 1663.

SEC. 386. For the purpose of subpœnaing witnesses, compelling them to attend and testify, and punishing them for disobedience, the commissioner shall have the power and authority conferred upon justices of the peace with respect to examinations in criminal cases.

Verdict of jury.
Ibid.
Ibid., s. 1664.

SEC. 387. When the examination is closed, the jury or two-thirds of their number must give their verdict in writing, and signed by them, setting forth, so far as they know or have good reason to believe, who the person killed or wounded is, and when, where, and by what means he came to his death or was wounded, and whether any person, and who, is guilty of a crime thereby.

Testimony, how taken.
Ibid.
Ibid., s. 1665.

SEC. 388. The testimony of the witnesses must be reduced to writing by the commissioner, or under his direction, and the verdict of the jury delivered to him.

To issue warrant, when, and proceedings thereon.

SEC. 389. If the jury find that a crime was committed in the killing or the wounding, and also charge a person with the commission of the crime, the commissioner, as a magistrate, must forthwith issue a warrant for the arrest of such person as on an information, and when the defendant is brought before him, must proceed to examine the charge contained in the verdict, and hold the defendant to answer, or discharge him therefrom, in the same manner in all respects as upon a warrant of arrest.

When coroner to bury body.
Ibid.
Ibid., s. 1669.

SEC. 390. When a commissioner shall hold an inquest upon the body of a stranger or pauper, and no friend or relative appears to claim the body for burial, the commissioner must cause the same to be plainly and decently buried.

Coroner's statement of expenses.
Ibid.
Ibid., s. 1670.

SEC. 391. The commissioner must return to the district court a written statement, verified by his own oath, of the expense of any inquest or burial held by him, including his fees and the fees of jurors and witnesses, which account, upon being allowed by the district court, must be paid to the persons to whom the items thereof are due by the United States marshal, from moneys appropriated to pay the expenses of United States courts.

Inventory of property found on the deceased.
Ibid.
Ibid., s. 1671.

SEC. 392. If money or other property be found on the body, the commissioner must make an inventory of it, and take the same into his possession, which inventory he must verify and return to the district court, with the account specified in the last section.

Disposition of property.

SEC. 393. The commissioner must, within thirty days from the inquest, deliver the money, or other property to the clerk of the district court. If it be other property the clerk must cause it to be sold as upon execution, and after

deducting the expenses of sale, deposit the same in the manner provided in the case of moneys collected on judgments in favor of the United States. If it be money, he shall also so deposit it.

CHAPTER THIRTY-EIGHT.

OF SEARCH WARRANTS, AND PROCEEDINGS THEREON.

Sec.
394. Who may issue search warrant.
395. On what ground search warrant may issue.
396. Search warrant issued only upon probable cause.
397. Examination of complainant and his witnesses.
398. When magistrate to issue warrant, form of.
399. Power of officer in executing search warrant.
400. Officer must give receipt for property taken.
401. Property when delivered to magistrate, how disposed of.
402. Within what time warrant must be executed and returned.
403. Return of warrant and delivery of property.
404. Magistrate to give copy of inventory to whom.
405. Proceedings if grounds of issuing warrants controverted.
406. Property, when to be restored.
407. Return of magistrate.
408. When person procuring search warrant guilty of misdemeanor.
409. Person charged with crime may be searched. Disposition of weapon.

Who may issue search warrant. Laws Oreg. Oct. 19, 1864. Hill's Ann. Laws, s. 1677.

SEC. 394. A magistrate authorized to issue a warrant of arrest has authority to issue a search warrant, directed to the peace officer, commanding him to search for personal property at any place within said district and bring it before the magistrate.

On what ground search warrant may issue. Ibid. Ibid., s. 1678.

SEC. 395. A search warrant may be issued upon either of the following grounds:

1. When the property was stolen or embezzled, in which case it may be taken, on the warrant, from any house or other place in which it was concealed or may be found, or from the possession of the person by whom it was stolen or embezzled, or of any other person in whose possession it may be;

2. When the property was used as a means of committing a felony, in which case it may be taken, on the warrant, from any house or other place in which it is concealed or may be found, or from the possession of the person by whom it was used in the commission of the offense, or of any other person in whose possession it may be;

3. When the property is in the possession of any person with the intent to use it as the means of committing a crime, or in possession of another to whom he may have delivered it for the purpose of concealing it or preventing its being discovered, in which case it may be taken on the warrant from the possession of such person, or the person to whom he may have so delivered it, or from any house or other place occupied by them or under their control, or either of them.

Search warrant issued only upon probable cause.
Ibid.
Ibid., s. 1679.

SEC. 396. A search warrant can not be issued but upon probable cause, shown by affidavit, naming or describing the person, and describing the property and the place to be searched.

Examination of complainant and his witnesses.

SEC. 397. The magistrate must, before issuing the warrant, examine on oath the complainant and any witnesses he may produce and take their depositions in writing, and cause them to be subscribed by the parties making them.

When magistrate to issue warrant.
Ibid.
Ibid., s. 1681.

SEC. 398. Thereupon if the magistrate be satisfied that there is probable cause to believe in the existence of the grounds of the application, he must issue the warrant, which may be in substantially the following form:

"District of Alaska.

"In the name of the United States of America.

"To the United States marshal for the District of Alaska, greeting:

"Information on oath having been this day laid before me (stating the particular grounds of the application, according to section three hundred and ninety-five), you are therefore hereby commanded, at any time in the day or night, to make immediate search on the person of A B (or in the house situated—describing it—or any other place to be searched with reasonable particularity, as the case may be) for the following property (describing it with reasonable particularity), and if you find the same, or any part thereof, to bring it forthwith to me at (stating the place).

"Dated at ———, this —— day of ———, eighteen hundred and ——.

"C D,

"*Commissioner and ex officio Justice of the Peace.*"

Power of officer in executing search warrant.
Ibid.
Ibid., s. 1683.

SEC. 399. In the execution or service of a search warrant, the officer has the same power and authority, in all respects, to break open any door or window, to use all necessary and proper means to overcome any forcible resistance made to him, or to call any other person to his aid, that he has in the execution or service of a warrant of arrest.

Officer must give receipt for property taken.
Ibid.
Ibid., s. 1684.

SEC. 400. When the officer takes property under the warrant, he must give a receipt for the property taken, specifying it in detail, to the person from whom he takes it or in whose possession it is found, or in the absence of any person he must leave it in the place where he found the property.

Property when delivered to magistrate, how disposed of.
Ibid.
Ibid., s. 1685.

SEC. 401. When the property is delivered to the magistrate, he must, if it was stolen or embezzled, dispose of it as provided in sections two hundred and eighty-one, two hun-

dred and eighty-two, and two hundred and eighty-five; but if it were taken on a warrant issued on the grounds stated in subdivisions two and three of section three hundred and ninety-five, he must retain it in his possession, subject to the order of the court to which he is required to return the proceedings before him, or any other court in which the crime in respect to which the property was taken is triable.

Within what time warrant must be executed and returned. Ibid. Ibid., s. 1686.

SEC. 402. A search warrant must be executed and returned to the magistrate by whom it was issued within ten days from its date, unless such magistrate, before the expiration of such time, shall, by indorsement thereon, extend the time for five days. After the expiration of the time herein prescribed, the warrant, unless executed, is void.

Return of warrant and delivery of property. Ibid. Ibid., s. 1687.

SEC. 403. The officer must forthwith return the warrant to the magistrate and deliver to him a written inventory of the property taken made publicly or in the presence of the person from whose possession it was taken, and of the applicant for the warrant, if they be present, verified by the oath of the officer, to the following effect:

"I, A B, the officer by whom this warrant was executed, do swear that the above inventory contains a true and detailed account of all the property taken by me on the warrant."

Magistrate to give copy of inventory to whom. Ibid. Ibid., s. 1688.

SEC. 404. The magistrate must thereupon, if required, deliver a certified copy of the inventory to the person from whose possession the property was taken and to the applicant for the warrant.

Proceedings if grounds of issuing warrants controverted. Ibid. Ibid., s. 1689.

SEC. 405. If the person from whose possession the property was taken controvert the grounds of issuing the warrant, the magistrate must proceed to examine the matter by taking testimony in relation thereto.

Property, when to be restored. Ibid. Ibid., s. 1690.

SEC. 406. If it satisfactorily appear that the property taken is not the same as that described in the warrant, or that there is no probable cause for believing the existence of the grounds on which the warrant was issued, the magistrate must cause it to be restored to the person from whom it was taken.

Return of magistrate. Ibid. Ibid., s. 1691.

SEC. 407. The magistrate must annex together the depositions, the search warrant and return, and the inventory, and return them to the district court at or before the first day of the next term thereof.

When person procuring search warrant guilty of misdemeanor. Ibid. Ibid., s. 1692.

SEC. 408. A person who maliciously and without probable cause procures a search warrant to be issued and executed is guilty of a misdemeanor.

Person charged with crime may be searched.

SEC. 409. When a person charged with a crime is supposed by the magistrate before whom he is brought to have

on his person a dangerous weapon, or anything which may be used as evidence of the commission of the crime, the magistrate may direct him to be searched in his presence, and direct the weapon or other thing to be retained, subject to his order or the order of the court in which the defendant may be tried.

Disposition of weapon.
Ibid.
Ibid., s. 1693.

CHAPTER THIRTY-NINE.

OF PROCEEDINGS IN RELATION TO FUGITIVES FROM JUSTICE.

Sec.
410. Governor to appoint agent to demand fugitive from justice.
411. Governor may require report from district attorney.
412. Payment of expenses of agent.
413. Fugitive from justice, when to be delivered up by governor.
414. When fugitive not to be delivered, and when he may be.
415. Report of district attorney in relation to custody of fugitive.
416. When and to whom governor to issue warrant for arrest.
417. Executive warrant to direct officers and magistrate to aid in its execution.
418. Magistrate may issue warrant for arrest of fugitive.
419. Proceeding for arrest and commitment of fugitive before magistrate.
420. When magistrate to commit, and for what time.
421. Magistrate may admit person arrested to bail.
422. Magistrate to give notice to governor of commitment.
423. Person arrested to be discharged unless taken under executive warrant.
424. Person causing arrest liable for costs and expenses.

Governor to appoint agent to demand fugitive from justice.
Laws Oreg., Oct. 19, 1864.
Hill's Ann. Laws, s. 1695.
Brown v. Maryland, 12 Wheat., 19, 437. Robb. v. Connelly, 111 U. S., 624. Prigg v. Commonwealth, 16 Pet., 539. Taylor v. Taintor, 16 Wall., 366. Commonwealth v. Dennison, 24 How. (U. S.), 66, 99, 103. *Ex parte* Smith, 3 McLean, 121.

SEC. 410. Whenever a person charged with treason, felony, or other crime in said district shall flee from justice the governor of said district may appoint an agent to demand such fugitive of the executive authority of any State or Territory of the United States in which he may be found.

Governor may require report from district attorney.
Ibid.
Ibid., s. 1696.

SEC. 411. Before appointing such agent the governor may require the district attorney to investigate the matter and report to him the material circumstances, together with his opinion upon the expediency of allowing the application.

Payment of expenses of agent.
Ibid.
Ibid., s. 1697.

SEC. 412. The account of the agent, embracing his actual expenses incurred in performing the service, must be paid by the United States marshal, after being allowed by the district court, out of moneys appropriated to pay the expenses of United States courts.

Fugitive from justice, when to be delivered up by governor.
Ibid.
Ibid., s. 1698.

SEC. 413. A person charged in any State or Territory of the United States with treason, felony, or other crime, who may flee from justice and be found in said district, must, on demand of the executive authority of the State or Territory from which he fled, be delivered up by the governor of said district, to be removed to the State or Territory making the demand.

SEC. 414. When the person demanded is in custody in said district, either upon a criminal charge, an indictment for a crime, or a judgment upon a conviction thereof, he can not be delivered up until he is legally discharged from such custody; but if he be in custody upon civil process only, the governor may deliver him up or not before the termination of such custody, as he may deem most conducive to the public good.

When fugitive not to be delivered up, and when he may be.
Ibid.
Ibid., s. 1699.

SEC. 415. Before issuing a warrant for the delivery of a fugitive from justice, the governor may require the district attorney to ascertain and report to him whether such fugitive is in custody as mentioned in the last section, and if he be so upon civil process only, whether such custody be with the consent or procurement of the fugitive.

Report of district attorney in relation to custody of fugitive.
Ibid.
Ibid., s. 1700.

SEC. 416. When the governor finds that the demand is conformable to law, and the person demanded should be given up, either then or at some future time, if he be in custody, he must issue his warrant, under the seal of the district, directed to the person who makes the demand, and authorizing him, either forthwith or at some future time therein designated, to take and transport the fugitive to the border line of said district.

When and to whom governor to issue warrant for arrest.
Ibid.
Ibid., s. 1701.

SEC. 417. The executive warrant must also require all peace officers and magistrates, when requested by the person to whom the warrant is directed, to render all needful assistance in the execution thereof, and in so doing, such officers or magistrates may exercise the same power and authority to prevent a rescue, an escape, or to effect a recapture, as if the fugitive was in arrest upon a charge of crime committed in said district.

Executive warrant, what to require.
Ibid.
Ibid., s. 1702.

SEC. 418. A magistrate authorized to issue a warrant of arrest may issue a warrant for the arrest of a person charged as provided in section four hundred and thirteen, who shall flee from justice and be found in said district.

Magistrate may issue warrant.
Ibid.
Ibid., s. 1703.

SEC. 419. The proceedings for the arrest and commitment of the person charged are in all respects similar to those provided in this act for the arrest and commitment of a person charged with a crime committed in said district, except that an exemplified copy of an indictment found, or other judicial proceedings had against him, in the State or Territory in which he is charged to have committed the crime, may be received as evidence before the magistrate.

Proceedings for arrest, how regulated.
Ibid.
Ibid., s. 1704.

SEC. 420. If from the examination it appear that the person charged has committed the crime alleged, the magistrate must commit him to the proper custody for a time specified in the commitment, which the magistrate deems

When magistrate to commit.
Ibid.
Ibid., s. 1705.

reasonable, to enable the arrest of the fugitive under the warrant of the executive authority of said district on the requisition of the executive authority of the State or Territory in which he committed the crime, or until he be legally discharged, unless he give bail as provided in the next section.

Admission of fugitive to bail.
Ibid.
Ibid., s. 1706.

SEC. 421. The magistrate may admit the person arrested to bail by an undertaking, with sufficient sureties and in such amount as he deems proper, for his appearance before him at a time specified in the undertaking, and for his surrender to be arrested upon the warrant of the governor of said district.

Magistrate to give notice to governor of commitment.
Ibid.
Ibid., s. 1707.

SEC. 422. Immediately upon the commitment of the person charged, the magistrate must inform the governor of said district of the name of the person, the cause of the arrest, and his commitment; and the governor must thereupon give the like notice to the executive authority of the State or Territory having jurisdiction of the crime, to the end that a demand may be made for the arrest and surrender of the person charged.

Fugitive to be discharged, unless.
Ibid.
Ibid., s. 1708.

SEC. 423. The person arrested must be discharged from custody or bail unless, before the expiration of the time designated in the warrant or undertaking, he be arrested under the warrant of the governor of said district.

Person causing arrest liable for costs and expenses.
Ibid.
Ibid., s. 1709.

SEC. 424. The person making the complaint to the magistrate is liable for the costs and expenses of the proceedings and for the support in the jail of the person so committed; and unless he advance to the jailer or other proper officer, from week to week during the commitment, a sum sufficient for his support, the jailer or other officer having the fugitive in custody may, upon the order of the magistrate, discharge such person from custody.

CHAPTER FORTY.

OF JUSTICES OF THE PEACE AND CONSTABLES EX OFFICIO.

Sec.
425. Additional commissioners to be appointed by court.
Sec.
426. Additional deputy marshals.

Additional commissioners to be appointed by court.
23 Stat.L., c.53, s. 5.
28 Stat. L., c. 177, par. 12.
Laws 55th Cong., c. 2.

SEC. 425. In addition to the commissioners appointed by the President of the United States in pursuance of acts of Congress now in force, or that may be hereafter enacted, the judge of the district court of said district may appoint commissioners, who shall reside at such places as he may designate in the order of appointment, and who shall perform the duties and exercise the powers conferred upon justices of the peace by this act.

SEC. 426. In addition to the deputies now provided for by the act of Congress entitled "An act providing a civil government for Alaska," approved May seventeenth, eighteen hundred and eighty-four, the United States marshal for said district shall appoint deputies, who shall reside at such places as the judge of the district court shall from time to time designate, and all United States deputy marshals shall be ex officio constables and executive officers of the commissioners' and justices' courts, and shall have the powers and discharge the duties of constables under the provisions of this act.

Additional deputy marshals.
23 Stat. L., c. 53, s. 6.

CHAPTER FORTY-ONE.

OF JURISDICTION OF JUSTICES' COURTS.

Sec.
427. Criminal jurisdiction of a justice's court.

SEC. 427. A justice's court has jurisdiction of the following crimes:

Crimes triable in justices' courts.

1. Larceny, where the punishment therefor may be imprisonment in the county jail or by fine:

Laws Oreg., Oct. 19, 1865.
Hill's Ann. Laws, s. 2052.

2. Assault, or assault and battery, not charged to have been committed with intent to commit a felony, or in the course of a riot, or with a dangerous weapon, or upon a public officer in the discharge of his duties: *Provided*, That in case of assault, or assault and battery, a punishment may be imposed by fine of not less than five nor more than fifty dollars.

State v. Sly, 4 Oreg., 279.

3. Of any misdemeanor punishable by imprisonment in the county jail, or by fine, or by both.

CHAPTER FORTY-TWO.

CRIMINAL ACTIONS IN JUSTICES' COURTS.

Sec.
428. Proceedings in criminal actions, how governed.
429. Criminal action, how commenced; person injured must appear or be subpœnaed.
430. Complaint to be deemed indictment.
431. Warrant of arrest.
432. Warrant, requisitions of.
433. Defendant, when must plead.
434. Defendant may plead same pleas as in indictment.
435. Issue, how tried.
436. Order to summon jury.
437. When jurors required to appear.
438. Officer to summon persons qualified to serve as jurors.
439. Order for jury, how served.
440. Deficiency in jurors, how supplied.
441. Challenges.
442. Verdict of jury, how given.
443. Judgment of conviction.
444. Judgment of acquittal, entry of.
445. Judgment against prosecutor for costs.
446. Judgment against prosecutor, how enforced.
447. Judgment of conviction, entry of.
448. Entry of judgment and copy of, as evidence.
449. Judgment of conviction.
450. Payment of fine and costs.
451. Money paid on judgment of conviction.
452. Action to be tried within one day, unless, etc.
453. Defendant may give bail.
454. Undertaking of bail, form of.
455. Proceeding if defendant do not give bail.
456. Form of commitment.
457. Proceeding when crime not within jurisdiction of justice.

Proceedings in criminal actions, how governed.
Laws Oreg., Oct. 21, 1864.
Hill's Ann. Laws, s. 2131.

SEC. 428. A criminal action in a justice's court is commenced and proceeded in to final determination, and the judgment therein enforced, in the manner hereinbefore provided, except as in this chapter otherwise specially provided.

Criminal action, how commenced; person injured must appear or be subpœnaed.
Ibid.
Ibid., s. 2132.

SEC. 429. In a justice's court, a criminal action is commenced by the filing of the complaint therein, verified by the oath of the person commencing the action, who is thereafter known as the private prosecutor; and no judgment of conviction or acquittal can be given in a criminal action in justice's court unless the person injured appear or be subpœnaed to attend the trial as a witness.

Complaint to be deemed indictment.
Ibid.
Ibid., s. 2133.

SEC. 430. The complaint is to be deemed an indictment within the meaning of the provisions of chapter seven of this act, prescribing what is sufficient to be stated in such pleading and the form of stating it.

Warrant of arrest.
Ibid.
Ibid., s. 2134.

SEC. 431. Upon the filing of the complaint the justice must issue a warrant of arrest for the defendant named therein.

Warrant, requisites of.
Ibid.
Ibid., s. 2135.

SEC. 432. A warrant of arrest in a criminal action is issued, directed, and executed in all respects as the warrant provided for in chapter thirty-two of this act, except that it must be made returnable only before the justice who issues it.

Defendant, when must plead.
Ibid.
Ibid., s. 2136.

SEC. 433. When the defendant is brought before the justice, the complaint must be read to him, and he must be required to plead thereto.

Defendant may plead same pleas as in indictment.
Ibid.
Ibid., s. 2137.

SEC. 434. The defendant may plead the same plea as upon an indictment. His plea must be oral and entered in the docket. If the defendant refuse to plead, the justice must enter the fact, together with the plea of not guilty on his behalf.

Issue, how tried.
Ibid.
Ibid., s. 2138.

SEC. 435. Upon a plea other than a plea of guilty, if the defendant do not then demand a trial by jury, the justice must proceed to try the issue.

Order to summon jury.
Ibid.
Ibid., s. 2084.

SEC. 436. If a trial by jury be demanded, the justice must make an order in writing, directed to the United States marshal or any deputy, commanding him to summon six persons to serve as jurors in the action, at a time and place to be named therein.

When jurors required to appear.
Ibid.
Ibid., s. 2085.

SEC. 437. The order shall require the jurors to appear before the justice forthwith or at some future time to which the trial of the issue may be postponed.

Officer to summon persons qualified to serve as jurors.
Ibid.
Ibid., s. 2086.

SEC. 438. The officer serving the order for a jury must do so impartially by selecting only such persons as he knows, or has good reason to believe, are qualified according to law to serve as jurors in the court to which they are summoned, and in the particular action for which they are selected.

SEC. 439. The officer must serve the order by giving notice to each person selected of the time and place he is required to appear, and for what purpose, and return the same according to the direction therein, with the names of the persons summoned, verified by his own certificate.

Order for jury, how served. Ibid. Ibid., s. 2087.

SEC. 440. If a sufficient number of jurors do not appear at the time and place required, or if any of those appearing are peremptorily challenged, or upon a challenge for cause found disqualified, the justice must order the proper officer to summon a sufficient number of other qualified persons, until the jury is completed.

Deficiency in jurors, how supplied. Ibid. Ibid., s. 2088.

SEC. 441. Each party is entitled to take challenges for cause, and to two peremptory challenges.

Challenges. Ibid. Ibid., s. 2139.

SEC. 442. When the jury have agreed upon a verdict, they must deliver the same to the justice publicly, who shall enter it in his docket.

Verdict of jury, how given. Ibid. Ibid., s. 2140.

SEC. 443. When the defendant pleads guilty, or is convicted, either by the justice or the jury, the justice must give judgment thereon for such punishment as may be prescribed by law for the crime.

Judgment of conviction. Ibid. Ibid., s. 2141.

SEC. 444. When the defendant is found not guilty, either by the justice or a jury, he must be immediately discharged; and if it appear to the justice that the prosecution was malicious or without probable cause, he must make an entry to that effect in his docket.

Judgment of acquittal, entry of. Ibid. Ibid., s. 2142.

SEC. 445. Upon making the entry prescribed in the last section, the justice must give judgment against the private prosecutor for the costs and disbursements of the action, and require him to pay the same or give satisfactory security therefor, by a written undertaking, with one or more sureties, to pay the same to the justice within thirty days from the date of such judgment.

Judgment against prosecutor for costs. Ibid. Ibid., s. 2143.

SEC. 446. The judgment may be enforced against the prosecutor, if he do not pay the same or give the required security therefor, in all respects as a judgment for a fine in a criminal action; but if he give the required security therefor, said judgment may be enforced at the expiration of the thirty days, against the prosecutor and his sureties in the undertaking, in all respects as a judgment for money in a civil action.

Judgment against prosecutor, how enforced. Ibid. Ibid., s. 2144.

SEC. 447. When a judgment of conviction is given, either upon a plea of guilty or upon a trial, the justice must enter the same in the docket substantially as follows:

Judgment of conviction, entry of. Ibid. Ibid., s. 2145.

"Justice's court for the precinct of———, District of Alaska.

"The United States of America *v.* A B (day of the month and year).

"The above-named A B having been brought before me, C D, a commissioner and *ex officio* justice of the peace, in

a criminal action, for the crime of (briefly designate the crime), and the said A B having thereupon pleaded 'not guilty' (or as the case may be), and been duly tried by me (or by a jury, as the case may be), and upon such trial duly convicted, I have adjudged that he be imprisoned in the county jail ——— days and that he pay the costs of the action, taxed at ——— dollars (or that he pay a fine of ——— dollars and such costs and be imprisoned in such jail until such fine and costs be paid, not exceeding ——— days, as the case may be).

"C D,

"*Commissioner and ex officio Justice of the Peace.*"

If the defendant has pleaded guilty, instead of the paragraph commencing "and the said A B," and ending "upon such trial duly convicted," the entry must state substantially as follows: "And the said A B having been thereof duly convicted upon a plea of guilty."

Entry of judgment and copy of, as evidence. Ibid. Ibid., s. 2147.

SEC. 448. An entry of judgment and the transcript thereof, made or filed as in the last two sections provided, is conclusive evidence of the facts stated therein.

Judgment of conviction. Ibid. Ibid., s. 2148.

SEC. 449. The judgment must be executed by the United States marshal or any deputy, upon receiving a certified copy of the entry of judgment, and such copy shall also be deemed an execution against the property of the defendant for the purpose of collecting the amount of any fine or costs mentioned therein.

Payment of fine and costs. Ibid. Ibid., s. 2149.

SEC. 450. If the fine and costs, or any part thereof, be paid before commitment, they must be paid to the justice, and thereafter to the officer in whose custody the defendant may be at the time of such payment, which officer must immediately pay the same to the justice.

Money paid on judgment of conviction. Ibid. Ibid., s. 2150.

SEC. 451. Any money paid to the justice upon a judgment in a criminal action must first be applied to the costs of the action, and the remainder, by such justice, paid to the clerk of the district court, to be deposited as provided by law.

Action to be tried within one day, unless, etc. Ibid. Ibid., s. 2152.

SEC. 452. When the defendant is brought before the justice upon the warrant of arrest, the action must be tried within one day thereafter, unless continued for cause.

Defendant may give bail. Ibid. Ibid., s. 2153.

SEC. 453. At any time before the commencement of the trial, the justice must admit the defendant to bail if he require it, and take bail of him accordingly.

Undertaking of bail, form of. Ibid. Ibid., s. 2154.

SEC. 454. The bail must be given by a written undertaking, executed by one or more sufficient sureties, in substantially the following form:

"Justice's court for the precinct of ———, District of Alaska.

"A criminal action having been commenced on the ——— day of ———, eighteen hundred and ——, in the justice court aforesaid, against A B, for the crime of (designating it generally), and he having been duly admitted to bail by the justice of said court in the sum of ——— dollars,

"We, C D, of (stating his place of residence and occupation), and E F, of (stating the like as to him), hereby undertake that the above-named A B shall appear at the time and place fixed for the trial of the above-mentioned action, in whatever court it may be prosecuted, and shall at all times render himself amenable to the orders and process of the court, and if convicted shall appear for judgment and surrender himself in execution thereof; or if he fail to perform either of those conditions, that we will pay to the United States the sum of ——— dollars (inserting the sum in which the defendant is admitted to bail)."

Proceeding, if defendant do not give bail.
Ibid.
Ibid., s. 2155.

SEC. 455. If the defendant do not give bail when brought before the justice upon the warrant of arrest, he must be continued in the custody of the officer, or, if the court be held in the vicinity of a jail, be committed to jail, to answer the action as the sheriff may direct.

Form of commitment.
Ibid.
Ibid., s. 2156.

SEC. 456. The commitment must be signed by the justice, with his name of office, and may be substantially as follows:

"Justice's court for the precinct of, —— District of Alaska.

In the name of the United States of America.

"To the United States marshal or any deputy:

"An order having this day been made by me that A B be committed for trial in a criminal action against said A B for the crime of (designating it generally), you are hereby commanded to receive him into your custody, and detain him accordingly, or until he be otherwise legally discharged.

"Dated at ———, this —— day of ———, eighteen hundred and ——.

"C D,

Commissioner and ex officio Justice of the Peace."

Proceeding when crime not within jurisdiction of justice.
Ibid.
Ibid., s. 2158.

SEC. 457. If, in the progress of the trial, it shall appear to the magistrate that the defendant has committed a crime not within the jurisdiction of a justice's court, such magistrate must dismiss the action, and state in the entry the reasons therefor, and hold the defendant upon the warrant of arrest, and proceed to examine the charge as upon an information of the commission of crime.

CHAPTER FORTY-THREE.

OF APPEALS IN CRIMINAL ACTIONS.

Sec.
458. Appeal in criminal action, when taken.
459. Appeal, how taken.
460. Undertaking for appeal.
461. Appeal taken by defendant only.
462. Justice must transmit transcript.
463. Undertaking for stay of proceedings.
464. Allowance of appeal and return of execution.
465. Qualification and justification of sureties.
466. Appeal, when perfected and how tried.
467. Judgment in the appellate court.
468. Defective undertaking, how cured.
469. Errors of law, how reviewed.

Appeal in criminal action, when taken.
Laws Oreg., Oct. 21, 1864.
Hill's Ann. Laws, s. 2159.

SEC. 458. An appeal may be taken from a judgment of conviction given in a justice's court, in a criminal action, to the district court, except when the same is given on a plea of guilty, as prescribed in this chapter, and not otherwise.

Appeal, how taken.
Ibid.
Ibid., ss. 2118, 2119, 2160.
State v. Zingsen, 7 Oreg., 137.

SEC. 459. An appeal may be taken within thirty days from the date of the entry of the judgment by serving a notice upon the district attorney or upon the private prosecutor in the action and filing the original, with the proof of service indorsed thereon, with the justice, and by giving the undertaking for the costs of the appeal as hereinafter provided.

Undertaking for appeal.
Ibid.
Ibid., s. 2120.

SEC. 460. The undertaking of the appellant must be given with one or more sureties, to the effect that the appellant will pay all costs and disbursements that may be awarded against him on the appeal.

Appeal taken by defendant only, and when allowed.
23 U. S. Stat. L., c. 53, s. 7.

SEC. 461. An appeal can only be taken by the defendant and by such defendant only where a fine of more than one hundred dollars or imprisonment is imposed.

Justice must transmit transcript.
Laws. Oreg., Oct. 21, 1864.
Hill's Ann. Laws, s. 2162.

SEC. 462. If the defendant is in custody at the time the appeal is allowed, the justice must make the proper transcript and deliver it to the clerk of the district court by the first day of the next term thereof, or transmit the same to such clerk by mail or other safe conveyance by the first day of such term.

Undertaking for stay of proceedings.
Ibid.
Ibid., s. 2163.

SEC. 463. An allowance of an appeal does not stay the proceedings on the judgment unless the defendant give the undertaking of bail on appeal as provided in section two hundred and thirty-two of this act.

Allowance of appeal and return of execution.
Ibid.
Ibid., s. 2122.

SEC. 464. When an appeal is taken, the justice must allow the same, and make an entry thereof in his docket, stating whether the proceedings are thereby stayed or not; and when the proceedings are stayed, if an execution has been issued to enforce the judgment, the justice must recall the same by written notice to the officer holding the execution, and thereupon it must be returned, and all the property taken thereon and not sold released; and if the defendant is in custody, he must be discharged therefrom.

SEC. 465. All sureties in an undertaking under the provisions of this chapter must have the qualifications of bail upon arrest, and if required by the adverse party, must justify before the justice in like manner.

Qualification and justification of sureties.
Ibid.
Ibid., s. 2123.

SEC. 466. From the filing of the transcript with the clerk of the district court the appeal is perfected, and the action is to be deemed pending therein and for trial upon the issue tried in the justice's court. The appellate court has the same authority to allow an amendment of the pleadings, on an appeal in a criminal action, that it has on an appeal in a civil action.

Appeal, when perfected and how tried.
Ibid.
Ibid., s. 2164.

SEC. 467. When an appeal is dismissed, the appellate court must give judgment as it was given in the court below, and against the appellant, for the costs and disbursements of the appeal. When judgment is given in the appellate court against the appellant, either with or without trial of the action, it must also be given against the sureties in his undertaking according to the nature and effect thereof.

Judgment in the appellate court.
Ibid.
Ibid., s. 2128.

SEC. 468. An appeal can not be dismissed on the motion of the respondent on account of the undertaking therefor being defective, if the appellant before the determination of the motion to dismiss will execute a sufficient undertaking and file the same in the appellate court, upon such terms as may be deemed just.

Defective undertaking, how cured.
Ibid.
Ibid., s. 2129.

SEC. 469. No provision of this chapter in relation to appeal or right of appeal must be construed so as to prevent the defendant in a justice's court from having the judgment reviewed in the district court for errors in law appearing upon the face of such judgment or the proceedings connected therewith, as provided in title one, chapter seven, of the Code of Civil Procedure of the State of Oregon, as published in "The Codes and General Laws of Oregon, Compiled and Annotated by William Lair Hill."

Errors of law, how reviewed.
Ibid.
Ibid., s. 2169.

CHAPTER FORTY-FOUR.

OF MISCELLANEOUS PROVISIONS IN RELATION TO CRIMINAL PROCEEDINGS IN JUSTICES' COURTS.

Sec.
470. Qualification of bail.
471. Security for costs.
472. Who may act as attorney.
473. Special deputies.
474. Fees of officers.
475. Fees of witnesses and jurors.
476. "District attorney" construed.

SEC. 470. The qualifications of bail in criminal actions in justices' courts, and the justification thereof, shall be conducted in the manner hereinbefore provided for like proceedings in the district court.

Qualification of bail.
Laws Oreg., Oct. 21, 1864.
Hill's Ann. Laws, s. 2171.

Security for costs.
Ibid.
Ibid., s. 2172.

SEC. 471. The justice may, in his discretion, require the property of the prosecutor in a criminal action to give security for costs and disbursements before filing or receiving a complaint therein.

Who may act as attorney.
Ibid.
Ibid., s. 2173.

SEC. 472. Any person may act as attorney for another in a justice's court, except a person or officer serving any process in the action or proceeding other than the subpœna.

Special deputies.
Ibid.
Ibid., s. 2173.

SEC. 473. Whenever it appears to a justice that any process or order authorized to be used or made by this act will not be served for want of an officer, such justice may appoint any suitable person not being a party to the action to serve the same; such appointment may be made by an indorsement on the process or order in substantially the following form and signed by the justice, with his name of office: "I hereby appoint A B to serve the within process, or order," as the case may be.

Fees of officers.

SEC. 474. The commissioners, district attorney, marshal, deputy marshals, and all persons specially appointed to serve any process or order, as herein provided, shall receive the same fees for services in justice's courts as are provided by the laws of the United States for like services in proceedings before commissioners, and they shall be avouched, allowed, and paid in the same manner. Commissioners acting as coroner shall receive five dollars for holding each inquest, which shall include all services connected therewith, and shall be paid as provided in this section.

Fees of jurors and witnesses.

SEC. 475. Jurors and witnesses in justice's courts and at coroner's inquests shall receive the allowances provided by law for like services in the district court, which shall be paid by the United States marshal upon being certified by the commissioner and allowed by the district court.

"District attorney" construed.

SEC. 476. Wherever the words "district attorney" occur in this act they shall be construed to mean the United States attorney for said district.

APPENDIX.

Referred to in section forty-four of this act, and containing the manner of stating the act constituting the crime.

(The forms in this appendix are held to be sufficient in State v. Dodson, 4 Oreg., 64, and State v. Spencer, 6 ibid., 152.)

No. 1.

Laws Oreg. Oct. 19, 1864.

IN AN INDICTMENT FOR MURDER.

Purposely and of deliberate and premeditated malice, killed C D by (shooting him with a gun or pistol, or by administering to him poison, or by pushing him into the water whereby he was drowned, or by throwing him from the window of a building, or by means unknown to the grand jury, as the case may be).

No. 2.

IN AN INDICTMENT FOR MURDER COMMITTED IN THE COMMISSION OR ATTEMPT TO COMMIT RAPE, ARSON, ROBBERY, OR BURGLARY.

Was engaged in the commission (or attempt to commit, as the case may be) of arson, by (stating it, as in an indictment therefor). And the said A C, while engaged in the commission (or attempt to commit, as the case may be) of such arson, by his act killed C D, by (striking him with a club, or by other means, or means unknown to the grand jury, to be stated as in No. 1).

No. 3.

IN AN INDICTMENT FOR MURDER IN THE SECOND DEGREE.

Purposely and maliciously killed C D by (shooting him with a gun or pistol, or by other means, to be stated as in No. 1).

No. 4.

IN AN INDICTMENT FOR MURDER IN THE SECOND DEGREE COMMITTED IN THE COMMISSION OR ATTEMPT TO COMMIT A FELONY.

Laws Oreg., Oct. 19, 1864.

Was engaged in the commission (or attempt to commit, as the case may be) of the following felony (stating it, as in an indictment therefor).

And the said A B, while engaged in the commission (or attempt, as the case may be), by his act killed C D, by (striking him with a club, or by other means, to be stated as in No. 1).

No. 5.

IN AN INDICTMENT FOR MANSLAUGHTER.

Voluntarily killed C D by (shooting him with a gun or pistol, or by other means, to be stated as in No. 1).

No. 6.

MANSLAUGHTER BY ASSISTING ANOTHER TO COMMIT SELF-MURDER.

Purposely and deliberately assisted or procured one C D to commit self-murder, which crime the said C D then and there committed by (hanging himself by the neck until he was dead, or by other means, to be stated as in No. 1).

No. 7.

IN AN INDICTMENT FOR RAPE.

Laws Oreg., Oct. 19, 1864.

Forcibly ravished C D, a woman of the age of fourteen years or upwards, or carnally knew a female child under the age of fourteen years (as the case may be).

No. 8.

IN AN INDICTMENT FOR ARSON.

Willfully and maliciously set fire to (or burned) in the nighttime a dwelling-house of another, namely, C D (or whose name is unknown to the grand jury).

No. 9.

IN AN INDICTMENT FOR ROBBERY.

Feloniously took a gold watch (or as the case may be) from the person of C D, and against his will, by violence to his person (or by putting him in fear of some immediate injury to his person).

No. 10.

ROBBERY, BEING ARMED WITH A DANGEROUS WEAPON.

Being armed with a dangerous weapon, did commit an assault upon one C D, with intent, if resisted, to kill or wound the said C D, and then and there feloniously took a gold watch (or as the case may be) from the person of the said C D, and against his will.

No. 11.

IN AN INDICTMENT FOR LARCENY.

Feloniously took and carried away a gold watch (or as the case may be), the personal property of C D (or of a person whose name is unknown to the grand jury), of the value of more than thirty-five dollars. Laws Oreg., Oct. 19, 1864.

No. 12.

LARCENY IN A DWELLING HOUSE.

Feloniously took and carried away in a dwelling house (or other house, ship, or boat, as the case may be) a gold watch (or as the case may be), the personal property of C D (or of a person whose name is unknown to the grand jury).

No. 13.

IN AN INDICTMENT FOR BURGLARY.

Broke and entered in the nighttime a dwelling house in which there was at the time a human being, namely, one C D (or whose name is unknown to the grand jury, as the case may be), with intent to commit larceny (or other crime, describing it generally) therein, by forcibly bursting or breaking the wall (or an outer door, or a window, or a shutter of a window) of such house (or as the case may be).

No. 14.

BURGLARY AFTER ENTERING WITH INTENT TO COMMIT CRIME.

Having entered in the nighttime a dwelling house, in which there was at the time a human being, namely, one C D (or whose name is unknown to the grand jury, as the case may be), with intent to commit larceny (or other crime, describing it generally) therein, broke such dwelling house by forcibly bursting or breaking the wall (or by other means to be stated as in No. 13), or (following the words therein) was armed with a dangerous weapon therein, or committed an assault upon C D, a person lawfully then in such house. Laws Oreg. Oct. 19, 1864.

No. 15.

IN AN INDICTMENT FOR FORGERY.

Forged (or falsely made, altered, or counterfeited, or as the case may be) an instrument purporting to be (or being)

the last will and testament of C D, devising certain property with intent to defraud or injure.

No. 16.

Forged a certificate purporting to have been issued by J C, an officer duly authorized to make such certificate, of the acknowledgment of C D of the execution by him of a conveyance to E F of certain real property, with intent to defraud or injure.

No. 17.

Laws, Oreg., Oct. 19, 1864.

Counterfeited a gold (or silver) coin of the ——— of Mexico, called a dollar, which was at that time current by law or usage within this district.

No. 18.

IN AN INDICTMENT FOR PERJURY.

On his examination as a witness, duly sworn to testify the truth, in the trial of an action at law in the court of ———, between C D, plaintiff, and E F, defendant, which court had authority to administer said oath, he testified falsely, that (stating the facts alleged to be false), the matters so testified being material, and the testimony being willfully false.

No. 19.

IN AN INDICTMENT FOR POLYGAMY.

Having a wife then living, unlawfully married one C D, or unlawfully lived and cohabitated with one C D as his wife.

No. 20.

IN AN INDICTMENT FOR LIBEL.

Published or caused to be published in a newspaper called the ——— ——— the following libel concerning C D (stating the matter published).

55TH CONGRESS, 2d Session. } SENATE. { DOCUMENT No. 61.

PRODUCTION OF GOLD AND SILVER IN THE UNITED STATES.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING,

IN RESPONSE TO RESOLUTION OF THE SENATE OF JANUARY 13, 1898, REPORT OF THE DIRECTOR OF THE GEOLOGICAL SURVEY AS TO THE DESIRABILITY OF MORE DEFINITE STATISTICS IN REGARD TO THE PRODUCTION OF GOLD AND SILVER IN THE UNITED STATES.

JANUARY 17, 1898.—Referred to the Committee on Mines and Mining and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, January 15, 1898.

SIR: I have the honor to acknowledge the receipt of a resolution of the Senate, dated the 13th instant, as follows:

Whereas, from the Report No. 1338 of the Fifty-fourth Congress, second session, submitted by the Committee on Mines and Mining of the United States Senate, it appears that additional information is desirable in regard to the localities from which the precious metals are produced in the United States, including Alaska, showing the exact amount of gold produced by each mining district in the United States, and the proportion which comes from placer mines and from deep mines, and the conditions of occurrence of ores of the precious metals, including a report on the occurrence of gold in the United States portion of the Yukon district:

Resolved, That the Secretary of the Interior be requested to furnish the Senate a statement as to whether or not it would be consistent with public interests for the Government to collect and publish such information, with a plan therefor and an estimate of the cost.

In response thereto, I transmit herewith a copy of a letter from the Director of the Geological Survey, of even date, to whom the resolution was referred, inclosing a report covering the information desired.

Very respectfully,

C. N. BLISS, *Secretary.*

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., January 15, 1898.

SIR: I have the honor to transmit herewith, in accordance with the Senate resolution of January 13, 1898, an opinion as to the desirability of more definite statistics in regard to the production of gold and silver in the United States, together with the suggestion of a plan for obtaining such information and an estimate of the expense which would probably be incurred. The report submitted herewith is about the same in substance as that made by me to the Senate Committee on Mines and Mining January 25, 1897.

Yours, with respect,

CHAS. D. WALCOTT,
Director.

The SECRETARY OF THE INTERIOR.

GOLD AND SILVER STATISTICS.

At the present time the statistics of mineral production are gathered and compiled by the division of mineral resources of the Geological Survey, with the exception of those of gold and silver, which are under the charge of the Director of the Mint.

The method adopted by the Director of the Mint for the collection of the gold and silver statistics is to obtain reports from private refineries of the quantities of their finished products placed by them upon the market each year, and the records of the Mint's assay offices showing the amount of gold and silver of domestic production annually deposited at those institutions. The portion of the annual domestic product of the precious metals which does not go either to the refineries or to the Mint's assay offices is stated by the Director of the Mint to be accurately obtainable. By this system, however, there is no method of obtaining full information regarding the sources of the gold and silver so reported.

Gold and silver statistics are among the most important which the Government collects, and accurate information regarding the gold and silver production is more generally desired than probably that of any other mineral product. To be entirely satisfactory, the statistics should include, in addition to the statistics as now collected by the Director of the Mint, (1) statements (as accurate as the total statement) of the amounts furnished by each district; (2) a primary division of gold according to its sources, viz, from placer mines and from deep mines, and a secondary division of the product of the deep mines into smelting ores and free milling or leeching ores; (3) a statement of the character of the predominant ores from each district; (4) a very brief statement of the methods of treatment employed in each district, and of the measure of success attending them.

Many other interesting subjects of inquiry have been suggested by various authorities, but it is doubtful if they should be included in an annual statistical report. Among them is the suggestion to include a technical inquiry into the various processes of extraction of gold and silver, such as the cyanide process, chlorination, the corresponding bromine process, and even a more exact study of amalgamating methods. This has been very strongly objected to on the ground of interference with private business and interests. A different line of work would be

valuable, viz, to determine the number of persons employed in mining operations, the wages paid, and other items of expense leading to a statement of the cost of producing gold and silver. The data for this could be collected and referred to the Department of Labor.

No division of the gold product into placer gold and vein gold has been attempted for years, yet the demand for this information during the past year indicates the advisability of publishing it. Placer gold has in history been the source from which sensationally large supplies of gold have come at short notice and with marked effect upon the gold market, while vein gold has been the product of slow development with the investment of much capital, and has been attended by the growth of contributory industries.

The intelligent investment of capital in precious-metal mines, on business rules and without especial speculative excitement, depends essentially upon information impartially collected and widely distributed as to the characteristics of the ores which furnished most gold and silver in each district. The adaptability of these ores to various methods of treatment must be simply but clearly set forth. This can best be done by a few general statements concerning each camp, showing what processes have been most successful for each kind of ore.

The information demanded from the statistics of gold and silver points us to the mines themselves as the necessary source. It will constantly become more difficult to collect the statistics by the present method alone. To collect them from the mines will be difficult at first, but will steadily grow easier as the mining interests organize and consolidate, and the proportion furnished by wandering prospectors and other small operators grows smaller.

It appears to be desirable for the Treasury Department that the statistics of gold and silver should be collected as at present by the Director of the Mint from the mints, refineries, etc., his statistics showing (1) a statement of the total number of ounces of gold and silver obtained from the mines of the United States; (2) a statement of the foreign gold and silver refined at domestic works.

I think, however, that the Geological Survey should collect the statistics of gold and silver production from their sources, as outlined above, and that the survey should cooperate with the Director of the Mint in perfecting the statistics as collected by him. This would give a check on the mint statistics and would also check through the mint returns the statistics gathered by the Geological Survey.

PLAN FOR COLLECTING STATISTICS.

A list of the gold and silver mines would be obtained by the methods now well developed in the statistical division of the survey. Using all the facilities which exist there, this work would be rapid and as exhaustive as possible.

To each of the mine operators the following card of inquiry would be mailed:

Name and address of operator.....
Location of mine.....
Number of ounces, fine, of gold produced in 189.....
Value received for gold produced in 189.....
Number of ounces, fine, of silver produced in 189.....
Value received for silver produced in 189.....

Signature of producer.

Sixty per cent of the product should be obtained promptly by these cards, without waiting for the considerable percentage which would come slowly. A corps of experts would clear up the various districts by personal visits. In these visits they would—

1. Revise the list of mines.
2. Collect the product of mines which had not reported.
3. Check doubtful returns.
4. Collect the information as to the sources of the gold and silver, and all available information as to the conditions of occurrence and methods of reduction.

In suggesting this plan the great difficulties have been carefully considered. For example, it frequently occurs that mines are relocated, first by one party and then by another, and thus have several names, and each one of these names finds its way to the list. Again, many of the organizations have no legal existence whatever. This causes "joint companies," known by so many names as to be duplicated and triplicated in the reports. The greatest source of error is undoubtedly exaggeration, an incentive to which comes from the desire of owners to sell mines or extensions of them, and the hope that the individual statement may be published.

The totals obtained would be verified and revised by the returns of common carriers, the mills where the ores are reduced, the smelters, and the returns of mint officials.

In brief, no present source of information would be neglected, but the information from mines would gradually be made complete and accurate.

If the statistics are to be obtained from mining districts and mines the work should be done by the Geological Survey, even for the simplest statistical data. It would be difficult to secure the statements concerning the character of the product and the condition of its occurrence without such a trained corps of men as already exists in the Geological Survey, and on the other hand the experience and detailed data would greatly aid in locating and planning geologic surveys.

It is estimated that the cost of collecting such statistics of the production of gold and silver in the United States, exclusive of Alaska, would be $20,000 per year. Owing to the remoteness of Alaska and the extent of territory which would be necessary to cover there, it is estimated that an additional expense of $5,000 would be incurred in collecting the statistics in that Territory. It would often occur that some of the experts in the field will be collecting, in addition to the statistics of gold and silver, the statistics of other mineral products of the region. Hence, I would suggest that if an appropriation should be made for this work, it should read: "For the preparation of a report on the mineral resources of the United States, including the collection of the statistics of gold and silver."

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55TH CONGRESS, 2d Session. | SENATE. | DOCUMENT No. 62.

ANNEXATION OF THE HAWAIIAN ISLANDS.

JANUARY 17, 1898.—Ordered to be printed.

Mr. MORGAN presented the following

LETTER FROM J. M. SCHOFIELD, OF ST. AUGUSTINE, FLA., TO HON. JOHN T. MORGAN, RELATIVE TO ANNEXATION OF THE HAWAIIAN ISLANDS.

ST. AUGUSTINE, FLA., *January 13, 1898.*

MY DEAR SENATOR: In compliance with the request contained in your letter of January 9, I do not hesitate to write you without reserve in respect to my views upon the pending question of annexation of the Hawaiian Islands.

From the time, twenty-five years ago, when I made a personal examination for the purpose of ascertaining the value of those islands to this country for military and naval purposes, I have always regarded ultimate annexation of the islands to this country as a public necessity. But the time when this should be accomplished had to depend on natural political development. In the meantime our national interests should be secured by the exclusive right to occupy, improve, and fortify Pearl River Harbor so as to insure our possession of that harbor in time of war.

To illustrate my views on this subject, I have likened that harbor to a commanding position in front of a defensive line which an army in the field is compelled to occupy. The army must occupy that advanced position and hold it at whatever cost, or else the enemy will occupy it with his artillery and thus dominate the main line. If we do not occupy and fortify Pearl River Harbor, our enemy will occupy it as a base from which to conduct operations against our Pacific Coast and the isthmian canal, which must of course in due time be constructed and controlled by this country. The possession of such a base at a convenient distance from our Pacific Coast would be a great temptation to an unfriendly nation to undertake hostile operations against us.

One of the greatest advantages of Pearl River Harbor to us consists in the fact that no navy would be required to defend it. It is a deep, land locked arm of the sea, easily defended by fortifications placed near its mouth, with its anchorage beyond the reach of guns from the ocean. Cruisers or other war ships which might be overpowered at sea, as well as merchant vessels, would find there behind the land defenses absolute security against a naval attack. A moderate garrison of regular troops, with the militia on the island, would give sufficient protection against any landing parties from a hostile fleet. Of course an army on transports, supported by a powerful fleet, could land and capture the place, but that would be an expensive operation, one much less likely

to be undertaken than the occupation of an undefended harbor, as a necessary preliminary to an attack on our coast or upon our commerce.

The value of such a place of refuge and of supplies for our merchant marine and our cruisers in time of war can hardly be overestimated, yet the greatest value to us of that wonderful harbor consists in the fact that its possession and adequate defense by us prevents the possibility of an enemy using it against us.

So far as I know, the leading statesmen, no less than the military and naval authorities of this country, have always been in accord on this subject. While it has not been proposed to interfere with the continued occupation by foreign nations of their military strongholds in this hemisphere, it has been publicly and emphatically declared that none of those strongholds shall ever be allowed to pass into the possession of any other nation whose interests might be antagonistic to ours. Now, for the first time, the occasion has arisen to carry into effect our long-declared national policy. A little State like Hawaii can not stand alone among the great nations, all of whom covet her incomparable harbor. She must have the protection of this country or some other great nation. But a protectorate without sovereignty is the last thing this country could afford to assume. In the absence of authority to regulate and control the intercourse between the islands and other countries controversies must arise which would lead to war or to the loss of our invaluable military possession in the islands. No halfway measures will suffice. We must accept the islands and hold and govern them or else let some other great nation do it. To fail now to carry into effect our own great national policy upon the first occasion offered to us would, in my judgment, be one of those blunders which are worse than crimes.

To my mind what may be regarded perhaps as the sentimental aspect of the question is entitled to consideration. A colony of intelligent, virtuous, and patriotic Americans have rescued a country from barbarism and raised it to a high state of civilization and prosperity, until in the natural course of events the government of that country has fallen entirely into their hands. They now ask the privilege of adding that country to their own native land; of returning with their new possessions to the parental fold. Can they be turned away to seek a home among strangers? Not without violating one of the most sacred laws of nature and incurring the penalty which must, sooner or later, necessarily follow.

I am, dear Senator, with great respect, sincerely yours,

J. M. SCHOFIELD.

Hon. JOHN T. MORGAN,
United States Senate, Washington, D. C.

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55TH CONGRESS, 2d Session. } SENATE. { DOCUMENT No. 63.

SUGAR IMPORTATION, ETC.

LETTER

FROM

THE SECRETARY OF AGRICULTURE,

IN RESPONSE TO

THE SENATE RESOLUTION OF JANUARY 14, 1898, RELATIVE TO SUGAR IMPORTATION, PRODUCTION, AND CONSUMPTION IN THE UNITED STATES.

JANUARY 17, 1898.—Ordered to be printed.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., January 17, 1898.

SIR: In obedience to a resolution of the United States Senate calling for a statement of sugar importation, production, and consumption, and what effect the importation of Hawaiian sugar has, or could have, upon the beet-sugar production of the United States, I have the honor to submit the inclosed statement.

Very respectfully, JAMES WILSON,
Secretary.

The VICE-PRESIDENT.

The average amount of sugar imported into the United States annually from 1890 to 1897, inclusive, was 1,830,482 tons of 2,240 pounds each, valued at $101,575,293. The importation during the fiscal year ending June 30, 1897, was 443,323 tons more than the average of the four preceding years, which was 1,752,617 tons, owing to the desire of importers to anticipate the effect of the tariff act pending in Congress during the last months of that year.

The average importation of sugar from the Hawaiian Islands from 1893 to 1897, inclusive, was 149,456 tons, valued at $9,973,924. The importation for the fiscal year of 1897 was 192,508 tons, being 43,052 tons above the average of the preceding four years. During 1897 the Hawaiian sugar was 9.1 per cent of the amount consumed in the United States. From 1893 to 1897 it was 7.1 per cent of our consumption.

The beet sugar consumed in the United States in 1896 was 18 per cent; in 1897, it was 37 per cent of the total consumption. The disturbed condition of Cuba doubtless caused much of this marked increase

but the beet sugars from countries in continental Europe are those from which we may expect the most active competition. The production of beet sugar in the United States in 1897 was 41,347 tons of 2,240 pounds each; of cane sugar, 287,007 tons; of maple sugar, 5,000 tons, and of sorghum sugar 300 tons.

The total domestic product was 335,656 tons.

The total refined product of imported sugar was 1,760,607 tons, making the total annual consumption 2,096,263 tons.

From the foregoing it appears that 84 per cent of the sugar consumed in the United States was imported.

A prominent question is, Can this Hawaiian production be greatly increased in competition with the American farmer? Free entry into the United States from these islands has given great encouragement to the production of sugar, and the industry has been developed very rapidly. We must take into consideration methods of cultivation in Hawaii before we can certainly conclude what the future of the industry will be in that direction. Sugar cane is grown continuously on the same land in Hawaii, and for this reason the soil is being exhausted. The planters are now compelled to buy commercial fertilizers. The three elements of plant food most necessary to vegetation are nitrogen, potassium, and phosphoric acid. Hawaiians will find saltpeter in Chile, potash at the Stassfurt mine in Germany, and phosphates in Florida. Guano on the islands of the Pacific is being exhausted and is quite expensive. When it becomes necessary to fertilize the soil in order to grow a crop, the expense becomes a considerable item and must be considered in determining what the effect of competition would be on American sugar growers.

Sugar will be grown in the United States by American farmers. The Department of Agriculture has been experimenting in two-thirds of the States of the Union during the past year, and will experiment in all the States during the coming year to ascertain where we can grow sugar-producing plants most profitably. A detailed report now being prepared for Congress will show the results of the work. The indications that come to us regarding our past season's work are that there is a wide extent of country from the Atlantic to the Pacific where sugar beets can be profitably grown as an additional money crop.

The $100,000,000 now paid for sugar is a great incentive, and numerous factories are planned and arrangements for growing beets are being made in many States. The per cent of sugar in the beets in many parts of our country is much higher than the average in Europe. Sugar beets will be grown most profitably by the American farmer in connection with dairying or meat production. They will not be grown successively on any one piece of ground, but will become a feature of rotative systems, alternating with the grasses, legumes, and the grains that recuperate the soil and store it with plant food suitable for growing the beet on any one piece of ground once in four or five or six years. Nitrogen will be replaced by the clovers and other legumes. Potash and phosphoric acid will become available in most of our soils while they are resting in grass.

The American farmer can grow the sugar beet profitably for the dairy cow, young animals, and fattening stock, if the sugar is not extracted at all; the Hawaiian has not these auxiliaries. The pulp of the sugar beet contains all the nitrogenous matter of the plant. If this is taken back to the farm and fed to stock, and through that instrumentality returned to the soil, sugar beets can be grown perpetually on the same farm, without at all reducing the fertility of the soil,

because the sugar comes from the carbon dioxide of the atmosphere and takes no element of fertility from the land.

The first sugar beet factories established in the United States imported machinery from continental Europe. The ingenuity of our people has been at work and has gradually supplanted every piece of machinery imported, so that both in the field and factory American machinery is superseding the foreign and enabling the American farmer and factory owner to do the work more expeditiously and economically.

These considerations lead me to conclude that the system of agriculture pursued in Hawaii, which is certainly reducing the fertility of the soil, can not compete with a system of farm management in the United States where the fertility of the soil is not at all reduced. We consume in the United States about 2,000,000 tons of sugar. Something like a million acres devoted to this purpose would produce all the sugar we import into our country at the present time, or 10 acres grown on each one of 100,000 farms in rotation with other crops would meet home demands and do no injury to the soils.

The American farmer will use this crop to diversify the farm system. The Hawaiian sugar grower is a one-crop man, and wherever one crop is perpetually grown, be it wheat or maize, beets or cane, cotton or tobacco, the available plant food in the soil is certain to be reduced below the point of profitable production, and fertilizers are required.

With regard to the ability of the United States to produce sugar, the States north of Virginia and including that Commonwealth have demonstrated within the past year that the conditions are all favorable for profitable production. We intend, during the coming year, to ascertain where the sugar beet can be profitably grown in the States south of Virginia. Where it may be ascertained that the sugar beet will not grow profitably in the South, and where ribbon cane will not succeed, we will introduce the sorghum sugar-cane seed. The Department of Agriculture has been selecting and developing this plant during the last seven years, until it contains as high a per cent of sugar as is found in the sugar beet. The average sugar content necessary to the profitable production of the sugar beet is about 12 per cent.

The Lehi factory in Utah has been running for several years profitably with an average of sugar in the beet of 12 to 13 per cent. Our selected sugar cane gives us an average of 14 per cent, and runs as high as 20 to 22 per cent in some cases. The Department has been using the same methods of selection in developing sorghum by the polariscope that have been in vogue in France and Germany for forty years past in the selection of mother beets. Wherever we find that sugar beets will not grow profitably in the Southern States, we propose to introduce this high-heredity sorghum seed. Sorghum molasses is made extensively all over the United States. The census of 1890 shows that in 1889 the United States produced 24,235,219 gallons of sorghum molasses, and in 1897 we made 300 tons of sorghum sugar. It is popular with the people; it is made in small neighborhood mills, and the manufacture is being greatly extended.

An additional reason why the Department of Agriculture proposes to encourage the growing of first-class sorghum in the South is that the farmers of that section require a carbonaceous forage plant to feed with their cotton-seed cake. The State of Georgia, for example, produced 600,000 tons of cotton seed in 1897; if properly balanced with carbonaceous fodders, the cake of that one State would have finished the 390,000 cattle exported from this country last year. The sorghum plant is highly carbonaceous and will answer this purpose admirably. It grows

vigorously in dry soils where maize and other grasses do not thrive. Whether sugar is produced from beets or cane, it is done most profitably in connection with farms having all the departments properly balanced. The Northern States have the dairy and feed yard, the Southern States may have them as well. The production of sugar can be incidental in both sections of the country to the feeding of animals. Hawaii has nothing of this kind. The cane is grown; it is hauled to the mills; the bagasse is not returned to the soil; the available plant food is reduced, and the planters must search to the ends of the earth for fertilizers. This is expensive, and they can not permanently compete with farmers who make the growing of a few acres of sugar beets or sorghum incidental to other agricultural operations on the farm.

Sugar production in Hawaii is carried on with coolie labor under contract systems. That will vanish if the islands become subject to our laws, when the laborer there will receive the same wages he now gets in California.

Hawaii then will not seriously compete with sugar producers in the States. When the people of those islands come to consider, with scientific assistance, the possibilities of coffee production that can be extended over much of the limited sugar belt, it will be found that in that industry they have a monopoly with which no State in the Union can interfere. It is a singular fact that no scientific improvement of the coffee tree with regard to the excellence of the berry and increased yield of the tree through intelligent selection has ever been made. The climate of these islands is admirably adapted to the production of many fine fruits that can not be grown in any of our States. They can grow many choice subtropical and tropical fruits that have never been scientifically developed, the improvement of which would lead to very profitable production. In these directions the farmers of the States could not compete with Hawaii.

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TREATIES BETWEEN JAPAN AND HAWAII.

JANUARY 17, 1898.—Ordered to be printed.

Mr. WHITE presented the following

COPY OF TREATY BETWEEN JAPAN AND HAWAII.

Whereas, a Treaty of Amity and Commerce between His Majesty the King, and His Imperial Majesty the Tenno of Japan, was concluded at Yeddo, on the 19th day of August, 1871, which has been ratified by His Majesty the King, and His Imperial Majesty, the Tenno of Japan, and the ratifications duly exchanged—which Treaty is, word for word, as follows:

His Majesty the King of the Hawaiian Islands, and His Imperial Japanese Majesty, the Tenno, being equally animated by the desire to establish relations of friendship between the two countries, have resolved to conclude a Treaty, reciprocally advantageous, and for that purpose have named their Plenipotentiaries, that is to say, His Majesty the King of the Hawaiian Islands, His Excellency C E DeLong, appointed and commissioned by His Majesty, Envoy Extraordinary and Minister Plenipotentiary, of the Kingdom of Hawaii, near the Government of His Majesty, the Tenno of Japan, and His Imperial Majesty, the Tenno, His Excellency Sawa Iusanme Kiyowara Noluyoshe, Minister for Foreign Affairs, and His Excellency Terachima Jusee Fugiwara Munemori, First Assistant Minister for Foreign Affairs, who having communicated to each other their respective full powers, which are found in good order, and in proper form, have agreed upon the following Articles:

ARTICLE I. There shall be perpetual peace and friendship between His Majesty the King of the Hawaiian Islands, and His Imperial Japanese Majesty, the Tenno, their heirs and successors, and between their respective subjects.

ARTICLE II. The subjects of each of the two high contracting parties, respectively, shall have the liberty freely and securely to come with their ships and cargoes to all places, ports and rivers in the territories of the other, where trade with other nations is permitted; they may remain and reside in any such ports, and places respectively, and hire and occupy houses and warehouses, and may trade in all kinds of produce, manufactures and merchandise of lawful commerce, enjoying at all times the same privileges as may have been, or may hereafter be granted to the citizens or subjects of any other nation, paying at all times such duties and taxes as may be exacted from the citizens or subjects of other nations doing business or residing within the territories of each of the high contracting parties.

ARTICLE III. Each of the high contracting parties shall have the right to appoint, if it shall seem good to them, a Diplomatic Agent, who shall reside at the seat of the Government of the respective countries, and Consuls and Consular Agents, who shall reside in the ports or places within the territories of the other where trade with other nations is permitted. The Diplomatic Agents and Consuls of each of the high contracting parties shall exercise all the authority and jurisdiction, and shall enjoy within the territories of the other all the rights and privileges, exemptions and immunities which now appertain, or may hereafter appertain to Agents of the same rank of the most favored nations.

ARTICLE IV. It is here stipulated that the Hawaiian Government and its subjects, upon like terms and conditions, will be allowed free and equal participation in all privileges, immunities and advantages that may have been or may hereafter be granted by His Majesty the Tenno of Japan, to the Government, citizens or subjects of any other nation.

ARTICLE V. The Japanese Government will place no restrictions whatever upon the employment by Hawaiian subjects of Japanese in any lawful capacity. Japanese in the employ of foreigners may obtain Government passports to go abroad, on application to the Governor of any open port.

ARTICLE VI. It is hereby agreed that such revision of this Treaty, on giving six months previous notice to either of the high contracting parties, may be made by mutual agreement, as experience shall prove necessary.

ARTICLE VII. The present Treaty shall be ratified by His Majesty the King of the Hawaiian Islands, and by His Imperial Majesty the Tenno, and the ratifications exchanged at Yeddo, the same day as the date of this Treaty, and shall go into effect immediately after the date of such exchange of ratifications.

In token whereof, the respective Plenipotentiaries have signed this Treaty.

Done at the City of Yeddo, this 19th day of August, A D, One Thousand Eight Hundred and Seventy-one, corresponding in Japanese date to the fourth day of the 7th month of the 4th year of Meiji.

(Signed) C E DELONG. [SEAL]
SAWA IUSANME KIYOWARA NOLUYOSHE. [SEAL]
TERACHIMA JUSEE FUGIWARRA MUNEMORI. [SEAL]

Now, all persons are hereby notified, that the said Treaty is a part of the Law of this Kingdom, and is to be regarded as such.

[L. S.] CHAS. C. HARRIS,
for
Minister of Foreign Affairs.

FOREIGN OFFICE, *September 27th, 1871.*

CONVENTION BETWEEN THE EMPIRE OF JAPAN AND THE KINGDOM OF THE HAWAIIAN ISLANDS.

Whereas, a large number of the subjects of His Majesty the Emperor of Japan have emigrated to the Hawaiian Islands; and, whereas, it is not unlikely that others of His Imperial Majesty's subjects may desire to take advantage of the system of free and voluntary emigration, which has been established, and which it is intended by

this Convention to confirm; and, whereas, it is equally the desire of His Majesty the King of the Hawaiian Islands, and His Majesty the Emperor of Japan to afford the emigrants the most ample and effectual protection compatible with the Constitution and Laws of Hawaii, His Majesty the King of the Hawaiian Islands and His Majesty the Emperor of Japan, being resolved to treat upon these important subjects, have, for that purpose, appointed their respective Plenipotentiaries to negotiate and conclude an Emigration Convention, that is to say: His Majesty the King of the Hawaiian Islands, Robert Walker Irwin, Knight Commander of the Royal Order of Kalakaua, His Majesty's Charge d'Affaires and Consul General at Tokio, and His Majesty the Emperor of Japan, Count Inouye Kaoru, Jusammi, His Imperial Majesty's Minister of State for Foreign Affairs, First Class of the Order of the Rising Sun, etc, who, after a reciprocal communication of their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:

ARTICLE I. It is mutually agreed between the Contracting Parties that the several stipulations contained in this Convention shall, so far as the same are applicable, embrace as well the subjects of His Majesty the Emperor of Japan, who have already emigrated to the Hawaiian Islands, as those who may hereafter emigrate thither.

ARTICLE II. The Government of His Majesty the Emperor of Japan agree that in pursuance of the provisions of this Convention, and so long as the same shall remain in force, Japanese subjects may freely emigrate to the Hawaiian Islands. But nothing herein contained shall be held to deprive His Imperial Japanese Majesty's Government of the right, in individual cases, to prohibit such emigration, or at their pleasure generally to limit, suspend, or prohibit such emigration, if in their judgment the exigencies of the State, or the welfare of the Japanese subjects, justifies such action. It is, however, understood that this right shall not be arbitrarily exercised, neither shall it be enforced against intending emigrants, in respect to whom the Japanese Government shall have given the permission provided for in Article III hereof.

ARTICLE III. All emigration under this Convention shall be carried on between the Ports of Yokohama and Honolulu. The Kenrei (Governor) of Kanagawa shall, in all matters connected therewith, represent and act on behalf of the Japanese Government. His Hawaiian Majesty's Government engage to appoint a Special Agent of the Hawaiian Board of Immigration to reside at Yokohama. The appointment of such agent shall be subject to the approval of the Japanese Government.

It shall be the duty of said Agent to correspond and consult with said Kenrei upon all matters connected with the subject of Japanese emigration to Hawaii, and he shall moreover be charged with the duty of making all necessary arrangements with reference to the embarkation and transportation of intending emigrants, Whenever emigrants are desired, the said Agent shall give the said Kenrei at least one month's previous notice, setting forth the number and class of persons desired, to which notice the said Kenrei shall without unnecessary delay, reply, giving the determination of His Imperial Majesty's Government in that behalf. In default of such notice, or in default of a favorable reply thereto from the said Kenrei, the concluding paragraph of the last preceding Article hereof shall not apply.

ARTICLE IV. All emigration under this Convention shall be by contract. The contracts shall be for the period not exceeding three

years, and shall be in accordance with a form to be approved by both Governments. The contracts shall be concluded at Yokohama, by and between the Special Agent of the Hawaiian Board of Immigration, in the name and on behalf of the Hawaiian Government and the intending emigrants, and shall be approved by the Kenrei of Kanagawa. During the continuance of any such contracts, the Hawaiian Government shall assume all the responsibilities of employer towards the emigrants, and shall consequently be responsible for the due and faithful performance of all the conditions of such contracts. And, at the same time, the said Government of Hawaii guarantees to each and every Japanese emigrant the full and perfect protection of the laws of the Kingdom, and will endeavor at all times and under all circumstances to promote the welfare and comfort of such emigrants.

ARTICLE V. His Hawaiian Majesty's Government agrees, moreover, to furnish all emigrants, under this Convention, free steerage passage, including proper food, from Yokohama to Honolulu, in first class passenger steamers. The steamers selected for the purpose of transporting such emigrants shall be approved by the Kenrei of Kanagawa.

ARTICLE VI. In order to insure the proper fulfillment of the terms of the Contracts entered into between the Board of Immigration of the Hawaiian Kingdom and any Japanese emigrants, and to afford full protection to such emigrants in the enjoyment of their rights under the Laws of the Hawaiian Kingdom, His Hawaiian Majesty's Government will provide and employ during the continuance of any of the contracts aforesaid, a sufficient number of Inspectors and Interpreters, who shall be able to speak and interpret the Japanese and English languages, and the services of such Interpreters shall at all times be rendered without charge to such emigrants, in the Courts of the Hawaiian Kingdom, in any suits arising out of or concerning any such Contracts, in which such emigrants may be plaintiffs, defendants, complainants or accused.

ARTICLE VII. The Government of His Hawaiian Majesty will, during the continuance of any of the contracts provided for by this Convention, employ a sufficient number of Japanese physicians to attend the emigrants, and will give to the said physicians the status of Government physicians, and will station them in such localities as may from time to time appear to be desirable in order to afford the emigrants all necessary medical aid.

ARTICLE VIII. His Hawaiian Majesty's Government further agree that the Diplomatic and Consular Agents of Japan in Hawaii shall at all times have free and unrestricted access to all Japanese emigrants; they shall be afforded every facility to satisfy themselves that the Contracts are being fulfilled in good faith; and they shall also have the right, in case of violation thereof; to ask and obtain the protection of the laws and the local authorities of Hawaii.

ARTICLE IX. The well-being, happiness and prosperity of Japanese subjects emigrating to Hawaii, being equally objects of solicitude to both the Contracting Parties, His Imperial Japanese Majesty's Government consent that His Hawaiian Majesty's Government shall have the right to send back to Japan all evil disposed, vicious or vagrant Japanese subjects in Hawaii, who may create trouble or disturbance, or encourage dissipation of any kind among the emigrants, or who may become a charge upon the State.

ARTICLE X. The present Convention shall be ratified, and the ratifications shall be exchanged at Honolulu as soon as possible.

ARTICLE XI. The present Convention shall take effect immediately

upon the exchange of the ratifications thereof, and shall remain in force for the period of five years; and thereafter until six months previous notice shall have been given by one of the Contracting Parties to the other of its intention to abrogate it.

In testimony whereof, the respective Plenipotentiaries have signed the Present Convention in the English language, and have hereunto affixed their seals.

Done at the City of Tokio this twenty-eighth day of the first month of the nineteenth year of Meiji, corresponding to the twenty-eighth day of January, in the eighteen hundred and eighty-sixth year of the Christian Era.

(Signed) R. W. IRWIN, [L S]
(Signed) INOUYE KAORU. [L S]

Now be it known that the above Convention has been duly ratified by His Majesty the King and His Imperial Majesty the Emperor of Japan, and the said ratifications have been duly exchanged.

Therefore, the said Convention has become a part of the law of this Kingdom, and all the previsions thereof are to be observed accordingly.

[L S] WALTER M. GIBSON,
Minister of Foreign Affairs.

FOREIGN OFFICE, *Honolulu, March 8, 1886.*

55TH CONGRESS, 2d Session. } SENATE. { DOCUMENT No. 65.

AGREEMENT BETWEEN THE COMMISSION TO THE FIVE CIVILIZED TRIBES AND CHOCTAW AND CHICKASAW INDIANS.

JANUARY 17, 1898.—Ordered to be printed, with subheads and marginal notes.

Mr. JONES, of Arkansas, presented the following

AGREEMENT BETWEEN THE UNITED STATES COMMISSIONERS TO NEGOTIATE WITH THE FIVE CIVILIZED TRIBES AND THE COMMISSIONERS ON THE PART OF THE CHOCTAW AND CHICKASAW INDIANS.

DIVISIONS OF AGREEMENT.

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Parties to the agreement, United States, Choctaw Nation, and Chickasaw Nation.

This agreement, by and between the Government of the United States, of the first part, entered into in its behalf by the commission to the Five Civilized Tribes—Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss, and Alexander B. Montgomery—duly appointed and authorized thereunto, and the governments of the Choctaw and Chickasaw tribes or nations of Indians in the Indian Territory, respectively, of the second part, entered into in behalf of such Choctaw and Chickasaw governments, duly appointed and authorized thereunto, viz: Green McCurtain, J. S. Standley, N. B. Ainsworth, Ben Hampton, Wesley Anderson, Amos Henry, D. C. Garland, and A. S. Williams, in behalf of the Choctaw Tribe or Nation, and R. M. Harris, I. O. Lewis, Holmes Colbert, P. S. Mosely, M. V. Cheadle, R. L. Murray, William Perry, A. H. Colbert, and R. L. Boyd, in behalf of the Chickasaw Tribe or Nation.

ALLOTMENT OF LANDS.

Witnesseth, That in consideration of the mutual undertakings, herein contained, it is agreed as follows:

Equal division of *all lands* among members of the tribes.

That all the lands within the Indian Territory belonging to the Choctaw and Chickasaw Indians shall be allotted to the members of said tribes so as to give to each member of

these tribes (except the Choctaw freedmen) so far as possible a fair and equal share thereof, considering the character and fertility of the soil and the location and value of the lands.

Reservations for town sites and academies in Choctaw Nation.

That all the lands set apart for town sites, and the strip of land lying between the city of Fort Smith, Arkansas, and the Arkansas and Poteau rivers, extending up said river to the mouth of Mill Creek; and six hundred and forty acres each, to include the buildings now occupied by the Jones Academy, Tushkahoma Female Seminary, Wheelock Orphan Seminary, and Armstrong Orphan Academy, and ten acres for the capitol building of the Choctaw Nation; one hundred and sixty acres each, immediately contiguous to and including the buildings known as Bloomfield Academy, Lebanon Orphan Home, Harley Institute, Rock Academy, and Collins Institute, and five acres for the capitol building in the Chickasaw Nation, and the use of one acre of land for each church house now erected outside of the towns, and eighty acres of land each for *J. S. Murrow*, *H. R. Schermerhorn*, and the widow of *R. S. Bell*, who have been laboring as missionaries in the Choctaw and Chickasaw nations since the year 1866, with the same conditions and limitations as apply to lands allotted to the members of the Choctaw and Chickasaw nations, and to be located on lands not occupied by a Choctaw or a Chickasaw, and a reasonable amount of land, to be determined by the town-site commission, to include all court-houses and jails and other public buildings not hereinbefore provided for, shall be exempted from division. And all coal and asphalt in or under the lands allotted and reserved from allotment shall be reserved for the sole use of the members of the Choctaw and Chickasaw tribes, exclusive of freedmen: *Provided*, That where any coal or asphalt is hereafter opened on land allotted, sold, or reserved, the value of the use of the necessary surface for prospecting or mining, and the damage done to the other land and improvements, shall be ascertained under the direction of the Secretary of the Interior and paid to the allottee or owner of the land by the lessee or party operating the same, before operations begin. That in order to such equal division, the lands of the Choctaws and Chickasaws shall be graded and appraised so as to give to each member, so far as possible, an equal value of the land: *Provided further*, That the lands allotted to the Choctaw freedmen are to be deducted from the portion to be allotted under this agreement to the members of the Choctaw tribe so as to reduce the allotment to the Choctaws by the value of the same and not affect the value of the allotments to the Chickasaws.

Reservations for academies in Chickasaw Nation; also certain missionaries.

Reservation of all coal and asphalt.

Full pay for all damages to owner of land by coal *operations in future.*

Lands to be graded and appraised.

Allotments to Choctaw freedmen to come out *of Choctaws' interest only.*

Choctaw freedmen to have the value of 40 average acres.

That the said Choctaw freedmen who may be entitled to allotments of forty acres each shall be entitled each to land equal in value to forty acres of the *average land* of the two nations.

Each tribe to have one member in board of appraisers.

That in the appraisement of the lands to be allotted the Choctaw and Chickasaw tribes shall each have a representative, to be appointed by their respective executives, to cooperate with the commission to the Five Civilized Tribes,

or anyone making appraisements under the direction of the Secretary of the Interior in grading and appraising the lands preparatory to allotment. And the land shall be valued in the appraisement as if in its original condition, excluding the improvements thereon.

Land to be valued, excluding improvements.

That the appraisement and allotment shall be made under the direction of the Secretary of the Interior, and shall begin as soon as the progress of the surveys, now being made by the United States Government, will admit.

Appraisement to be under Sec'y of Interior.

That each member of the Choctaw and Chickasaw tribes, including Choctaw freedmen, shall, where it is possible, have the right to take his allotment on land, the improvements on which belong to him, and such improvements shall not be estimated in the value of his allotment. In the case of minor children, allotments shall be selected for them by their father, mother, guardian, or the administrator having charge of their estate, preference being given in the order named, and shall not be sold during his minority. Allotments shall be selected for prisoners, convicts, and incompetents by some suitable person akin to them, and due care taken that all persons entitled thereto have allotments made to them.

Members may take land on which they have *improvements.*

Minors' lands selected by *guardian.*

Prisoners, convicts, etc., by some *suitable person.*

All the lands allotted shall be nontaxable while the title remains in the original allottee, but not to exceed twenty-one years from date of patent, and each allottee shall select from his allotment a homestead of *one hundred and sixty acres*, for which he shall have a *separate patent*, and which shall be *inalienable* for *twenty-one years* from date of patent. This provision shall also apply to the Choctaw freedman to the extent of his allotment. Selections for homesteads for minors to be made as provided herein in case of allotment, and the remainder of the lands allotted to said members shall be alienable for a price to be actually paid, and to include no former indebtedness or obligation—one-fourth of said remainder in one year, one-fourth in three years, and the balance of said alienable lands in five years from the date of the patent.

Lands.

When *taxable* and *alienable.*

TWO PATENTS.

Lands may be sold—¼ in 1 year, ¼ in 3, and balance in 5 years.

That all contracts looking to the sale or incumbrance in any way of the land of an allottee, except the sale herein before provided, shall be null and void. No allottee shall lease his allotment, or any portion thereof, *for a longer period than five years*, and then without the privilege of renewal. Every lease which is not evidenced by writing, setting out specifically the terms thereof, or which is not recorded in the clerk's office of the United States court for the district in which the land is located, within three months after the date of its execution, shall be void, and the purchaser or lessee shall acquire no rights whatever by an entry or holding thereunder. And no such lease or any sale shall be valid as against the allottee unless providing to him a reasonable compensation for the lands sold or leased.

Certain contracts void looking to sale of land.

May lease for 5 YEARS.

Leases must be recorded and must provide reasonable compensation.

That all controversies arising between the members of said tribes as to their right to have certain lands allotted to them shall be settled by the commission making the allotments.

Contests about the right to take a certain tract allotted settlers by commission.

United States to put each allottee in *possession*.

That the United States shall put each allottee in possession of his allotment and remove all persons therefrom objectionable to the allottee.

Ninety-eighth meridian to be surveyed.

That the United States shall survey and definitely mark and locate the ninety-eighth (98th) meridian of west longitude between Red and Canadian rivers before allotment of the lands herein provided for shall begin.

MEMBERS' TITLES TO LANDS.

Chiefs of tribes to execute *patents* to each member.

Coal and asphalt excepted.

United States guarantees title to and possession of lands to *allottees*.

Allottee *relinquishes* his interest in all other lands.

That as soon as practicable, after the completion of said allotments, the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation shall jointly execute, under their hands and the seals of the respective nations, and deliver to each of the said allottees patents conveying to him all the right, title, and interest of the Choctaws and Chickasaws in and to the land which shall have been allotted to him in conformity with the requirements of this agreement, excepting all coal and asphalt in or under said land. Said patents shall be framed in accordance with the provisions of this agreement, and shall embrace the land allotted to such patentee and no other land. The Secretary of the Interior of the United States shall annex to such patent his official certificate that is drawn in accordance with the provisions of this agreement; that it embraces the land allotted to such patentee and no other land, and that he approves said patent; and said certificate shall be operative as a relinquishment of all right, title, and interest of the United States in and to the land conveyed by said patents, and as a guaranty of the United States of title to and possession of the land so conveyed, and the acceptance of his patents by such allottee shall be operative as an assent on his part to the allotment and conveyance of all the lands of the Choctaws and Chickasaws in accordance with the provisions of this agreement, and as a relinquishment of all his right, title, and interest in and to any and all parts thereof, except the land embraced in said patents, except also his interest in the proceeds of all lands, coal, and asphalt herein excepted from allotment.

Records of land titles.

That the United States shall provide by law for proper records of land titles in the territory occupied by the Choctaw and Chickasaw tribes.

RAILROADS.

Rights of way to be uniform.

Congress to extend *interstate commerce law*.

The rights of way for railroads through the Choctaw and Chickasaw nations to be surveyed and set apart and platted to conform to the respective acts of Congress granting the same in cases where said rights of way are defined by such acts of Congress, but in cases where the acts of Congress do not define the same then Congress is memorialized to definitely fix the width of said rights of way for station grounds and between stations, so that railroads now constructed through said nations shall have, as near as possible, uniform rights of way; and Congress is also requested to fix uniform rates of fare and freight for all

railroads through the Choctaw and Chickasaw nations; branch railroads now constructed and not built according to acts of Congress to pay the same rates for rights of way and station grounds as main lines.

Branch railroads.

TOWN SITES.

It is further agreed that there shall be appointed a commission for each of the two nations. Each commission shall consist of one member, to be appointed by the executive of the tribe for which said commission is to act, who shall not be interested in town property other than his home, and one member of the commission to the Five Civilized Tribes, to be designated by the chairman thereof. Each of said commissions shall lay out town sites, to be restricted as far as possible to their present limits, where towns are now located in the nation for which said commission is appointed. Said commission shall have prepared correct and proper plats of each town, and file one in the clerk's office of the United States district court for the district in which the town is located, and one with the principal chief or governor of the nation in which the town is located, and one with the Secretary of the Interior, be approved by him before the same shall take effect. When said towns are so laid out, each lot on which permanent, substantial, and valuable improvements, other than fences, tillage, and temporary houses, have been made, shall be valued by the commission provided for the nation in which the town is located at the price a fee-simple title to the same would bring in the market at the time the valuation is made, but not to include in such value the improvements thereon. The owner of the improvements on each lot shall have the right to buy the same at sixty-two and one-half per cent of the said market value within sixty days from date of notice served on him that such lot is for sale, and if he purchases the same he shall, within ten days from his purchase, pay into the Treasury of the United States one-fourth of the purchase price, and the balance in three equal annual installments, and when the entire sum is paid shall be entitled to a patent for the same. In case the two members of the commission *fail to agree as to the market value of any lot*, they shall select a third person, who is not interested in town lots, who shall act with them to determine said value.

Two commissions to lay out town sites.

Indian commissioner must not be interested in *lots*.

Town sites to be restricted to *present limits*.

All lots to be valued, *exclusive of improvements*, at what a fee-simple title *would bring*.

Owner of improvements to pay only 62½ per cent of value.

Commission may call in third man.

If such owner of the improvements on any lot fails within sixty days to purchase and make the first payment on same, such lot, with the improvements thereon, shall be sold at public auction to the highest bidder, under the direction of the aforesaid commission, and the purchaser at such sale shall pay to the owner of the improvements the price for which said lot shall be sold, less sixty-two and one-half per cent of said appraised value of the lot, and shall pay the sixty-two and one-half per cent of said appraised value into United States Treasury, under regulations to be established by the Secretary of the Interior, in four installments, as hereinbefore provided. The commission shall have the right to reject any bid on such lot which they consider below its value.

Penalty for failure to pay appraised value in sixty days.

When improvements are sold owners *to get all above price of lot*.

Vacant lots—when and *how to be sold.*

All lots not so appraised shall be sold from time to time at public auction (after proper advertisement) by the commission for the nation in which the town is located, as may seem for the best interest of the nations and the proper development of each town, the purchase price to be paid in four installments as hereinbefore provided for improved lots. The commission shall have the right to reject any bid for such lots which they consider below its value.

All payments to be under direction of Secretary of Interior.

All the payments herein provided for shall be made under the direction of the Secretary of the Interior into the United States Treasury. A failure of sixty days to make any one payment to be a forfeiture of all payments made and all rights under the contract: *Provided*, That the purchaser of any lot shall have the option of paying the entire price of the lot before the same is due.

Unsold lots not to be taxed.

No tax shall be assessed by any town government against any town lot unsold by the commission, and no tax levied against a lot sold, as herein provided, shall constitute a lien on same till the purchase price thereof has been fully paid to the nation.

Money from town lots to go to Indians.

The money paid into the United States Treasury for the sale of all town lots shall be for the benefit of the members of the Choctaw and Chickasaw tribes (freedmen excepted), and at the end of one year from the ratification of this agreement, and at the end of each year thereafter, the funds so accumulated shall be divided and paid to the Choctaws and Chickasaws (freedmen excepted), each member of the two tribes to receive an equal portion thereof.

Payable at end of each year.

Laws for towns not to conflict with constitution and laws of C. N. and the U. S.

That no law or ordinance shall be passed by any town which interferes with the enforcement of or is in conflict with the Choctaw or Chickasaw constitutions or laws, or those of the United States, and all persons in such towns shall be subject to said laws, and the *United States agrees to maintain strict laws in the territory of the Choctaw and Chickasaw tribes against the introduction, sale, barter, or giving away of liquors and intoxicants of any kind or quality.*

Providing for *cemetery.*

That said commission shall be authorized to locate, within a suitable distance from each town site, not to exceed *five acres* to be used as a cemetery, and when any town has paid into the United States Treasury, to be part of the fund arising from the sale of town lots, *ten dollars per acre therefor*, such town shall be entitled to a patent for the same as herein provided for titles to allottees, and shall *dispose* of same at *reasonable prices* in suitable lots for burial purposes, the proceeds derived from such sales to be applied by the town government *to the proper improvement and care of said cemetery.*

U. S. to pay all expenses of *appraising, allotting, etc.*

That no charge or claim shall be made against the Choctaw or Chickasaw tribes by the United States for the expenses of surveying and platting the lands and town sites, or for grading, appraising, and allotting the lands, or for appraising and disposing of the town lots as herein provided.

Lands near *Fort Smith*, and for jails, court-houses; *how sold.*

That the land adjacent to Fort Smith and lands for court-houses, jails, and other public purposes, excepted from allotment shall be disposed of in the same manner and for the

same purposes as provided for town lots herein, *but not till the Choctaw and Chickasaw councils shall direct such disposition to be made thereof*, and said land adjacent thereto shall be placed under the jurisdiction of the city of Fort Smith, Arkansas, for police purposes.

Churches and parsonages to be given lots *free*.

There shall be set apart and exempted from appraisement and sale in the towns, lots upon which churches and parsonages are now built and occupied, not to exceed fifty feet front and one hundred feet deep for each church or parsonage: *Provided*, That such lots shall only be used for churches and parsonages, and when they ceased to be used shall revert to the members of the tribes to be disposed of as other town lots: *Provided further*, That these lots may be sold by the churches for which they are set apart if the purchase money therefor is invested in other lot or lots in the same town, to be used for the same purpose and with the same conditions and limitations.

May sell under certain conditions.

All coal and asphalt *to be reserved; monies* therefrom to be used for *education*.

It is agreed that all the coal and asphalt within the limits of the Choctaw and Chickasaw nations shall remain and be the common property of the members of the Choctaw and Chickasaw tribes (freedmen excepted), so that each and every member shall have an equal and undivided interest in the whole; and no patent provided for in this agreement shall convey any title thereto. The revenues from coal and asphalt, or so much as shall be necessary, shall be used for the education of the children of Indian blood of the members of said tribes. Such coal and asphalt mines as are now in operation, and all others which may hereafter be leased and operated, shall be under the supervision and control of two trustees, who shall be appointed by the President of the United States, one on the recommendation of the Principal Chief of the Choctaw Nation, who shall be a Choctaw by blood, whose term shall be for four years, and one on the recommendation of the Governor of the Chickasaw Nation, who shall be a Chickasaw by blood, whose term shall be for two years; after which the term of appointees shall be four years. They shall each give bond for the faithful performance of their duties, under such rules as may be prescribed by the Secretary of the Interior. Their salaries shall be fixed and paid by their respective nations.

Managed by trustees under rules and regulations of Secretary of Interior.

Coal revenues to be drawn from United States Treasury under rules of Secretary of Interior.

All coal and asphalt mines in the two nations, whether now developed, or to be hereafter developed, shall be operated, and the royalties therefrom paid into the Treasury of the United States, and shall be drawn therefrom under such rules and regulations as shall be prescribed by the Secretary of the Interior.

All contracts with National Agents confirmed.

All contracts made by the National Agents of the Choctaw and Chickasaw Nations for operating coal and asphalt, with any person or corporation, are hereby ratified and confirmed, and the lessee shall have the right to renew the same when they expire.

Declaring all contracts with individual Indians *void*.

All agreements heretofore made by any person or corporation with any member or members of the Choctaw or Chickasaw nations, the object of which was to obtain such member or members' permission to operate coal or asphalt, are hereby declared void, but such persons or corporations shall have prior right to lease the coal or asphalt claims

But coal Co. has prior right to *re-lease*.

described therein, by application to the trustees within six months after the ratification of this agreement.

Coal leases to include 960 acres.

All leases under this agreement shall include nine hundred and sixty acres, which shall be in a square as nearly as possible, and shall be for thirty years. The royalty on coal shall be fifteen cents per ton of two thousand pounds on all coal mined, payable on the 25th day of the month next succeeding that in which it is mined. Royalty on asphalt shall be sixty cents per ton on ——— asphalt, payable same as coal. Provided, That the legislatures of the Choctaw and Chickasaw nations may reduce such royalties when they deem it for their best interests to do so. *No royalties shall be paid except into the United States Treasury as herein provided.*

Royalty *15 cents per ton.*

Royalty may be reduced by Indian Councils.

Royalty to individuals *cut off.*

Lessees shall pay on each coal or asphalt claim at the rate of one hundred dollars per annum, in advance, for the first and second years; two hundred dollars per annum, in advance for the third and fourth years; and five hundred dollars for each succeeding year thereafter. All such payments shall be treated as advanced royalty on the mine or claim on which they are made, and shall be a credit as royalty when each said mine is developed and operated, and its production is in excess of such guaranteed annual advanced payments, and all persons having coal leases must pay said annual advanced payments on each claim whether developed or undeveloped: Provided, however, that should any lessee neglect or refuse to pay such advanced annual roalty for the period of sixty days after the same becomes due and payable on any lease, the lease on which default is made shall become null and void, and the royalties paid in advance thereon shall then become and be the money and property of the Choctaw and Chickasaw nations.

Providing advance royalty for *all mines leased.*

Forfeiture of lease for non-payment of *dues.*

Allowing certain surface to mines now in operation.

In surface, the use of which is reserved to present coal operators, shall be included such lots in towns as are occupied by lessees' houses—either occupied by said lessees' employees, or as offices or warehouses. Provided, however, that in those town sites designated and laid out under the provision of this agreement where coal leases are now being operated and coal is being mined, there shall be reserved from appraisement and sale all lots occupied by houses of miners actually engaged in mining, and only while they are so engaged, and in addition thereto a sufficient amount of land, to be determined by the town-site board of appraisers, to furnish homes for the men actually engaged in working for the lessees operating said mines, and a sufficient amount for all buildings and machinery for mining purposes.

And

Providing how to be finally sold.

And provided further, that when the lessees shall cease to operate said mines, then and in that event the lots of land so reserved shall be disposed of by the coal trustees for the benefit of the Choctaw and Chickasaw tribes.

When the tribes may divide such royalties.

That whenever the members of the *Choctaw and Chickasaw* tribes shall be required to *pay taxes* for the *support of schools*, then the fund arising from such royalties shall be disposed of for the equal benefit of their members (freedmen excepted) in such manner as the tribes may direct.

It is further agreed that the United States courts now existing, or that may hereafter be created, in the Indian Territory shall have exclusive jurisdiction of all controversies growing out of the titles, ownership, occupation, possession, or use of real estate, coal, and asphalt in the territory occupied by the Choctaw and Chickasaw tribes; and of all persons charged with homicide, embezzlement, bribery, and embracery hereafter committed in the territory of said tribes, without reference to race or citizenship of the person or persons charged with such crime; and any citizen or officer of the Choctaw or Chickasaw nations charged with such crime shall be tried, and, if convicted, punished as though he were a citizen or officer of the United States.

United States courts to have exclusive jurisdiction in suits relating to land, coal, or asphalt. Also—
1. Homicide.
2. Embezzlement.
3. Bribery.
4. Embracery.

And sections sixteen hundred and thirty-six to sixteen hundred and forty-four, inclusive, entitled "Embezzlement," and sections seventeen hundred and eleven to seventeen hundred and eighteen, inclusive, entitled "Bribery and Embracery," of Mansfield's Digest of the laws of Arkansas, are hereby extended over and put in force in the Choctaw and Chickasaw nations; and the word "officer," where the same appears in said laws, shall include all officers of the Choctaw and Chickasaw governments; and the fifteenth section of the act of Congress, entitled "An act to establish United States courts in the Indian Territory, and for other purposes," approved March 1, 1889, limiting jurors to citizens of the United States, shall be held not to apply to United States courts in the Indian Territory held within the limits of the Choctaw and Chickasaw nations; and all members of the Choctaw and Chickasaw tribes, otherwise qualified, shall be *competent jurors in said courts:* Provided, that whenever a member of the Choctaw and Chickasaw nations is indicted for homicide, he may, within thirty days after such indictment and his arrest thereon, and before the same is reached for trial, file with the clerk of the court in which he is indicted *his affidavit that he can not get a fair trial in said court;* and it thereupon shall be the duty of the judge of said court to order a change of venue in such case to the United States district court for the western district of Arkansas, at Fort Smith, Arkansas, or to the United States district court for the eastern district of Texas, at Paris, Texas, always selecting the court that in his judgment is nearest or most convenient to the place where the crime charged in the indictment is supposed to have been committed, which courts shall have jurisdiction to try the case; and in all said civil suits said courts shall have full equity powers; and whenever it shall appear to said court, at any stage in the hearing of any case, that the tribe is in any way interested in the subject-matter in controversy, it shall have power to summon in said tribe and make the same a party to the suit and proceed therein in all respects as if such tribe were an original party thereto; *but in no case shall suit be instituted against the tribal government without its consent.*

Extending certain laws of Arkansas over the Indian Territory.

Indians qualified may be jurors.

Change of venue in case of homicide.

Tribal government not to be sued without their consent.

It is further agreed that no act, ordinance, or resolution of the council of either the Choctaw or Chickasaw tribes, in any manner affecting the land of the tribe, or of the

Presidential supervision of certain legislation.

individuals, after allotment, or the moneys or other property of the tribe or citizens thereof (except appropriations for the regular and necessary expenses of the government of the respective tribes), or the rights of any persons to employ any kind of labor, or the rights of any persons who have taken or may take the oath of allegiance to the United States, shall be of any validity until approved by the President of the United States. When such acts, ordinances, or resolutions passed by the council of either of said tribes shall be approved by the governor thereof, then it shall be the duty of the national secretary of said tribe to forward them to the President of the United States, duly certified and sealed, who shall, within thirty days after their reception, approve or disapprove the same. Said acts, ordinances, or resolutions, when so approved, shall be published in at least two newspapers having a bona fide circulation in the tribe to be affected thereby, and when disapproved shall be returned to the tribe enacting the same.

Tribal governments to remain *eight years.*

It is further agreed, in view of the modification of legislative authority and judicial jurisdiction herein provided, and the necessity of the continuance of the tribal governments so modified, in order to carry out the requirements of this agreement, that the same shall continue for the period of eight years from the fourth day of March, eighteen hundred and ninety-eight. This stipulation is made in the belief that the tribal governments so modified will prove so satisfactory that there will be no need or desire for further change till the lands now occupied by the Five Civilized Tribes shall, in the opinion of Congress, be prepared for admission as a State to the Union. But this provision shall not be construed to be in any respect an abdication by Congress of power at any time to make needful rules and regulations respecting said tribes.

Finally to become a *State.*

Future payments to be made by United States officers.

That all per capita payments hereafter made to the members of the Choctaw or Chickasaw nations shall be paid directly to each individual member by a bonded officer of the United States, under the direction of the Secretary of the Interior, which officer shall be required to give strict account for such disbursements to said Secretary.

All claims to be settled by *arbitration.*

It is further agreed that all claims of any kind which either the United States may have upon the Choctaw Nation or the Chickasaw Nation, or the Choctaw Nation or the Chickasaw Nation may have upon the United States, shall be submitted to the Senate of the United States as a board of arbitrators for final determination, and without any unnecessary delay to make the award and provision for the settlement of whatever sum shall be by them awarded, and the other provisions of this agreement shall not be operative or effective, but shall remain in abeyance until said claims have been finally determined and settled.

All Indian *funds* under treaties to be capitalized and paid to them.

It is further agreed that all of the funds invested, in lieu of investment, treaty funds, or otherwise, now held by the United States in trust for the Choctaw and Chickasaw tribes, shall be capitalized within one year after the tribal governments shall cease, so far as the same may legally be done, and be appropriated and paid, by some officer of the

United States appointed for the purpose, to the Choctaws and Chickasaws (freedmen excepted) per capita, to aid and assist them in improving their homes and lands.

Indians to become citizens of the United States.

It is further agreed that the Choctaws and Chickasaws, when their tribal governments cease, shall become possessed of all the rights and privileges of citizens of the United States.

ORPHAN LANDS.

Payment for orphan lands.

It is further agreed that the Choctaw orphan lands in the State of Mississippi, yet unsold, shall be taken by the United States at one dollar and twenty-five cents ($1.25) per acre, and the proceeds placed to the credit of the Choctaw orphan fund in the Treasury of the United States, the number of acres to be determined by the General Land Office.

When agreement is binding.

This *agreement shall be binding* on the *United States when ratified by Congress* and on each *tribe or nation*, party hereto, when *ratified by the constituted authorities of that tribe* or nation, *according to their respective laws on the subject.*

In witness whereof the said commissioners do hereunto affix their names at Atoka, Indian Territory, this the twenty-third day of April, eighteen hundred and ninety-seven.

GREEN MCCURTAIN,
Principle Chief.

J. S. STANDLEY,
N. B. AINSWORTH,
BEN HAMPTON,
WESLEY ANDERSON,
AMOS HENRY,
D. C. GARLAND,
Choctaw Commission.

R. M. HARRIS,
Governor.

ISAAC O. LEWIS,
HOLMES COLBERT,
ROBERT L. MURRAY,
WILLIAM PERRY,
R. L. BOYD,
Chickasaw Commission.

FRANK C. ARMSTRONG,
Acting Chairman.

ARCHIBALD S. MCKENNON,
THOMAS B. CABANISS,
ALEXANDER B. MONTGOMERY,
Commission to the Five Civilized Tribes.

H. M. JACOWAY, JR.,
Secretary, Five Tribes Commission.

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55TH CONGRESS, 2d Session. | SENATE. | DOCUMENT No. 66.

DEFICIENCY APPROPRIATION FOR CIVIL SERVICE COMMISSION.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

COPY OF A COMMUNICATION FROM THE SECRETARY OF THE INTERIOR, SUBMITTING AN URGENT DEFICIENCY ESTIMATE OF APPROPRIATION FOR PRINTING AND BINDING, INCLUDING LITHOGRAPHING, FOR THE CIVIL SERVICE COMMISSION.

JANUARY 17, 1898.—Referred to the Committee on Civil Service and Retrenchment and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., January 15, 1898.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of the Interior, of the 13th instant, submitting an urgent deficiency estimate of appropriation for printing and binding, including lithographing, for the Civil Service Commission, for the current fiscal year, $8,000.

Respectfully, yours,

L. J. GAGE, *Secretary.*

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
Washington, January 13, 1898.

SIR: I have the honor to transmit herewith a communication from the acting president of the United States Civil Service Commission, of this date, wherein he recommends that Congress be requested to make an appropriation of $8,000 in the urgency deficiency bill, to meet the expenses of printing and binding, including lithographing, for the commission for the current fiscal year.

The recommendation meets with my approval and the same is forwarded through your Department for the favorable action of Congress.

Respectfully,

C. N. BLISS, *Secretary*

The SECRETARY OF THE TREASURY.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 13, 1898.

SIR: The commission has the honor to submit herewith an estimate for an urgent deficiency appropriation which is required for the purpose of disseminating information in regard to the examinations to be held during the balance of the present fiscal year, and the printing of the necessary examination questions.

Very respectfully, JOHN B. HARLOW,
Acting President.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, January 7, 1898.

SIRS: I return herewith, without my approval, your requisition of the 6th instant for the printing of 30,000 copies of the Manual of the United States Civil Service Commission, 50,000 copies of a similar manual having been supplied on the 6th of July, 1897.

The appropriation for printing and binding for the Interior Department and its bureaus, including the Civil Service Commission, for the current fiscal year is but $278,000, of which at the present time the records of the Department show $11,325.59 have been expended for work for use of the commission. The cost of printing and binding during the fiscal year ended June 30, 1897, was $14,625.03, so that there has been expended for the commission during the past six months almost as much as was expended for the entire year of 1897. If the demands of the commission upon this appropriation are to increase for the balance of the present fiscal year in proportion to the rate during the last six months, the interests of the bureaus of this Department must suffer in order to accommodate the commission, which in my judgment is not proper and can not be permitted.

In my annual report for the past fiscal year I directed the attention of the President to the fact that the Civil Service Commission had become a great charge upon the appropriations for this Department and recommended that separate appropriations be made for its use, to be expended under its own supervision. As to whether Congress will act favorably upon my recommendation in the matter I am not able to state; but in any event I have to suggest that you submit, through the proper channels, to the Committees on Appropriations of the two Houses of Congress an estimate of the expense of such printing and binding as will be required by the commission during the balance of the fiscal year.

Very respectfully, C. N. BLISS,
Secretary.

The CIVIL SERVICE COMMISSION,
Washington, D. C.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 8, 1898.

SIR: The commission has the honor to acknowledge the receipt of your letter of January 7, returning without your approval the commission's requisition of January 6 for printing 30,000 copies of the

Manual of Examinations for the Classified Civil Service, and stating that 50,000 copies of a similar manual were approved for the commission on July 6, 1897.

Your statement is noted that the cost of printing for the commission is becoming a heavy charge upon the Department's appropriation for printing and the interest of the bureaus of your Department can not be allowed to suffer in order that this printing can be done.

In reply the commission begs to state that it will be pleased to cooperate with you in an apportionment of the appropriation for printing for your Department based upon the requirements of the commission as shown in the past. While the commission is desirous of taking any steps that will relieve your Department of any embarrassment in distributing the appropriation, it must call attention to the fact that in order to properly perform the duties devolving upon it a large amount of printing must be done. The present volume of the commission's work necessarily requires more printing than was needed some years ago. Your Department has been officially informed to that effect in the past. However great the necessity for curtailing the expense of printing, including that done for the commission, it is respectfully submitted that in selecting for disapproval the particular piece of work for which requisition was made on January 6 the action taken at once impairs the power of the commission to properly perform its functions required by the law, which law also provides (section 4, act January 16, 1883):

> That it shall be the duty of the Secretary of the Interior to cause suitable and convenient rooms and accommodations to be assigned or provided, and to be furnished, heated, and lighted, at the city of Washington, for carrying on the work of said commission and said examinations, and to cause the necessary stationery and other articles to be supplied, and the necessary printing to be done for said Commission.

The manual referred to is for the purpose of supplying applicants with information concerning examinations, in order that they may be able to act intelligently in regard to them. The law requires that examinations shall be held twice a year in each State or Territory where there are applicants to be examined. In preparing for these semiannual examinations, information has to be furnished to a very large number of applicants, the number having been for the spring of 1897 about 100,000. At the present time many thousands of the manual of examinations have been promised in advance on the requests of Members of Congress and others. The commission is receiving daily at this time from three to five hundred requests for copies of this manual, and no doubt this daily number will increase to several thousand within the next few weeks. The manual contains full information and instruction, which are absolutely essential to those wishing to apply for the spring examinations. You can readily understand that it would be a matter of physical impossibility to supply this information through correspondence to even a very small per cent of those who desire it. Inasmuch as this information should be given to the public within the next two weeks, it is urgently requested that there be no further delay in its printing.

In view of the fact that the records of the commission appear to show that a proportionately much greater amount of printing was done for the commission during the year ended June 30, 1897, than thus far in the present fiscal year, the commission has the honor to request that you will kindly furnish it with an itemized statement showing the charges you refer to as on the records of your Department, amounting

already to $11,325.59. It does not understand how this amount could already have been charged against the commission for printing by your Department when the total amount for the year ended June 30, 1897, was only $14,625.03.

Very respectfully,

JOHN R. PROCTER,
President.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, January 11, 1898.

SIRS: Your letter of the 8th instant has been received, demurring to the refusal of the Department to approve your requisition for 30,000 copies of the Manual of Examinations for the Classified Civil Service. You request to be furnished with an itemized statement of the charges for printing and binding supplied the commission during the past six months, amounting to $11,325.59, and, in calling attention to section 4 of the act of January 18, 1883, which directs the Secretary of the Interior to "cause the necessary stationery and other articles to be supplied and the necessary printing to be done for said commission," urge reconsideration of my adverse action in the matter upon the ground of the necessities of the service.

In response thereto, I have to state that the Department is well aware of the provisions of the act to which you refer, but it is not believed that a compliance with its requirements should work injury to the interests of the other offices the supervision of which is committed to the care of the Secretary of the Interior. As indicated in my letter of the 7th instant, the amount of the printing and binding heretofore supplied has, during the past six months, amounted to $11,325.59, almost as much as was paid for the same service during the whole of the past year ended June 30, 1897, which amounted to $14,625.03, and this, notwithstanding the fact that the estimate for printing and binding, including lithographing, for the Civil Service Commission for the year ended June 30, 1898, was, as stated on page 219 of "Estimates of Appropriations" (House Doc. No. 12, Fifty-fourth Congress, second session), but $10,000. I do not therefore see my way clear, considering the interests of the bureaus of this Department, to comply with this request, and have again to suggest that you submit to the proper committees of Congress an estimate covering the amount of printing and binding which will be required by the commission during the balance of the fiscal year, in which could be very properly incorporated a recommendation that the connection between the Civil Service Commission and this Department be severed, and that separate appropriations for the commission, to be disbursed under its own supervision, be made. I will take pleasure in forwarding to Congress, if you so desire, such estimate, with a statement as to the necessity therefor, as may be submitted.

The itemized statement showing the cost of printing for the commission during the past six months is herewith transmitted.

Very respectfully,

C. N. BLISS, *Secretary.*

The CIVIL SERVICE COMMISSION,
Washington, D. C.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 12, 1898.

SIR: The commission has the honor to acknowledge the receipt of your letter of January 11, reaffirming your statement that it will be impracticable for you to approve the commission's requisition for the printing of its manual of examinations without discriminating against certain bureaus under your Department in the matter of printing.

Referring to your statement that up to this date, during the present fiscal year, the commission's printing has amounted to $11,325.59, notwithstanding the fact that the commission's estimate for printing and binding and lithographing for the present fiscal year was only $10,000, the commission has the honor to state that its estimate made to the Secretary of the Treasury on October 10, 1896, for printing and binding, including lithographing, was $20,000, and not $10,000. In the general reduction made at the Treasury Department in the estimates this amount was reduced by the Secretary of the Treasury to $10,000, and it obviously would not cover the cost of the commission's printing for the year.

The commission will prepare and submit to you as early as practicable a recommendation to Congress that a separate appropriation be made for the commission's work. In the meanwhile, however, as stated in the commission's letter of the 8th instant, it is imperative that the manual of examinations be printed without delay, even if subsequent requisitions for other work must be disapproved. The commission therefore again urges that its requisition for this printing be passed.

The commission will in a separate communication take up the matter of charges made for the printing done for it in the past.

Very respectfully,

JOHN R. PROCTER, *President.*

The SECRETARY OF THE INTERIOR.

Urgent estimate of appropriation required for the service of the fiscal year ending June 30, 1898, by the United States Civil Service Commission.

PUBLIC PRINTING AND BINDING.

Printing and binding, Civil Service Commission:

Printing and binding, including lithographing, for the commission, for the fiscal year ending June 30, 1898. (Act of June 7, 1897, vol. 30, p. 60, sec. 1)	$8,000
Estimated amount set aside from Department Interior appropriation for the fiscal year ending June 30, 1898	10,000

NOTE.—Over $11,000 has already been expended for this purpose during the first six months of the present fiscal year. An additional appropriation of $8,000 is needed for the purpose of disseminating information in regard to examinations and the printing of questions of examinations to be held during the balance of the present fiscal year.

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55TH CONGRESS, 2d Session. } SENATE. { DOCUMENT No. 67.

SANTEE SIOUX OF NEBRASKA AND FLANDREAU SIOUX OF SOUTH DAKOTA.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

A REPORT CONCERNING THE SANTEE SIOUX OF NEBRASKA AND FLANDREAU SIOUX OF SOUTH DAKOTA, FORMERLY KNOWN AS A CONFEDERACY OF THE MEDAWAKANTON AND WAHPAKOOTA BANDS OF DAKOTA OR SIOUX INDIANS.

JANUARY 17, 1898.—Referred to the Committee on Indian Affairs and ordered to be printed.

FEBRUARY 2, 1898.—Ordered reprinted with map.

DEPARTMENT OF THE INTERIOR,
Washington, January 15, 1898.

SIR: I have the honor to herewith transmit a report concerning the Santee Sioux of Nebraska and Flandreau Sioux of South Dakota, formerly known as a confederacy of the Medawakanton and Wahpakoota bands of Dakota or Sioux Indians, in pursuance of the requirements of the Indian appropriation act of June 7, 1897 (30 Statutes, 89).

Very respectfully,

C. N. BLISS, *Secretary.*

The PRESIDENT OF THE SENATE.

REPORT OF THE SECRETARY OF THE INTERIOR CONCERNING THE SANTEE SIOUX INDIANS OF NEBRASKA AND THE FLANDREAU SIOUX INDIANS OF SOUTH DAKOTA, FORMERLY KNOWN AS A CONFEDERACY OF THE MEDAWAKANTON AND WAHPAKOOTA SIOUX INDIANS, MADE IN CONFORMITY WITH THE PROVISIONS OF THE ACT OF CONGRESS APPROVED JUNE 7, 1897 (30 STATUTES, 89).

This act requires the Secretary of the Interior to report to Congress as soon as practicable, or at its next regular session, copies of all treaties or agreements with the above-named Indians prior to and since 1863; also a statement in detail, as far as practicable, of all amounts paid to said bands or any of them under said treaties or otherwise, including amounts of subsistence since said period; the extent of reservations

granted to them by said treaties or agreements, or any of them, and the amounts paid to them or any of them under treaties with or appropriations made since 1863 for the benefit of the Sioux of different tribes, including the Santee Sioux of Nebraska, and of annuities due, if any, and unpaid to said Indians prior to the passage of the forfeiture act of 1863 entitled "An act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians," approved February 16, 1863 (12 Statutes, 652).

The preamble to this act sets out that the United States had theretofore become bound by treaty stipulations to the Sisseton, Wahpeton, Medawakanton and Wahpakoota bands of the Dakota or Sioux Indians, to pay large sums of money and annuities, the greater portion of which remained unpaid according to the stipulations of the treaties, that during the preceding year the said bands of Indians had made an unprovoked, aggressive, and most savage war upon the United States, and had massacred a large number of men, women, and children within the State of Minnesota, and destroyed and damaged a large amount of property, and had thereby forfeited all just claim to the said moneys and annuities to the United States, and enacted—

That all treaties heretofore made and entered into by the Sisseton, Wahpeton, and Medawakanton and Wahpakoota bands of Sioux or Dakota Indians, or any of them, with the United States, are hereby declared to be abrogated and annulled, so far as any of said treaties or any of them purport to impose any future obligation on the United States, and all lands and rights of occupancy within the State of Minnesota, and all annuities and claims heretofore accorded to said Indians, or any of them, to be forfeited to the United States.

TREATY OF AUGUST 19, 1825 (7 STATUTES, 272).

This treaty established "a firm and perpetual peace between the Sioux and Chippewas; between the Sioux and the confederated tribes of Sacs and Foxes, and between the Ioways and the Sioux" (art. 1), and was participated in by the Medawakanton and Wahpakoota bands of Sioux, the Winnebagoes, Menomonees, Chippewas, Ottawas, Pottawatomies, Sacs and Foxes, and Iowas. It also established the following line between the country of the Sioux and the Sacs and Foxes (art. 2):

Commencing at the mouth of the Upper Ioway River, on the west bank of the Mississippi, and ascending the said Ioway River to its left fork; thence up that fork to its source; thence, crossing the fork of Red Cedar River, in a direct line to the second or upper fork of the Desmoines River, and thence in a direct line to the lower fork of the Calumet or Big Sioux River, and down that river to its juncture with the Missouri River. (*a*)

And between the Sioux and Chippewas (art. 5)—

* * * commence at the Chippewa River, half a day's march below the falls, and from thence it shall run to Red Cedar River, immediately below the falls; from thence to the St. Croix River, which it strikes at a place called the standing cedar, about a day's paddle in a canoe, above the lake at the mouth of that river; thence passing between two lakes called by the Chippewas "Green Lakes" and by the Sioux "the lakes they bury the eagles in," and from thence to the standing cedar that "the Sioux split;" thence to Rum River, crossing it at the mouth of a small creek called Choaking Creek, a long day's march from the Mississippi; thence to a point of woods that projects into the prairie, half a day's march from the Mississippi; thence in a straight line to the mouth of the first river which enters the Mississippi on its west side above the mouth of Sac River; thence ascending the said river (above the mouth of Sac River) to a small lake at its source; thence in a direct line to a lake at the head of Prairie River, which is supposed to enter the Crow Wing River on its south side; thence to Otter-tail Lake Portage; thence to said Otter-tail Lake, and down through the middle thereof to its outlet; thence in a direct line so as to

a See map.

strike Buffalo River half way from its source to its mouth, and down the said river to Red River; thence descending Red River to the mouth of Outard or Goose Creek. The eastern boundary of the Sioux commences opposite the mouth of Ioway River, on the Mississippi, runs back 2 or 3 miles to the bluffs, follows the bluffs, crossing Bad Axe River, to the mouth of Black River, and from Black River to half a day's march below the falls of the Chippewa River. (*a*)

As indicated, this treaty simply established boundaries and settled differences between the several tribes interested, and no annuities or payments were guaranteed to them under it.

TREATY OF JULY 15, 1830 (7 STATUTES, 328).

This treaty was made with the confederated Sacs and Foxes; the Medawakanton, Wahpakoota, Wahpeton, and Sisseton bands of Sioux; the Iowas, Omahas, and Ottoes and Missourias, and by article 1 their right and title to the following lands were forever relinquished:

Beginning at the upper fork of the Demoine River and passing the sources of the Little Sioux and Floyds rivers to the fork of the first creek which falls into the Big Sioux or Calumet on the east side; thence down said creek and Calumet River to the Missouri River; thence down said Missouri River to the Missouri State line, above the Kansas; thence along said line to the northwest corner of the said State, thence to the high lands between the waters falling into the Missouri and Desmoines, passing to said high lands along the dividing ridge between the forks of the Grand River; thence along said high lands or ridge separating the waters of the Missouri from those of the Demoine to a point opposite the source of Boyer River, and thence in a direct line to the upper fork of the Demoine, the place of beginning. (*a*)

Of this cession, however, only the land north of the Sac and Fox boundary line, as shown on the map and embraced in diagram 1B, was claimed or owned by the Sioux.

By article 3 the Medawakanton, Wahpakoota, Wahpeton, and Sisseton bands ceded and relinquished to the United States forever "a tract of country 20 miles in width from the Mississippi to the Demoine River, situate north and adjoining the line mentioned in the preceding article" (cession by the Sacs and Foxes). (*b*)

A tract of land was set apart by article 9 for the half-breeds of the said four bands of Sioux within the following limits:

Beginning at a place called the barn, below and near the village of Red Wing Chief, and running back fifteen miles; thence in a parallel line with Lake Pepin and the Mississippi, about thirty-two miles to a point opposite Beef or O-Boeuf River; thence fifteen miles to the Grand Encampment, opposite the river aforesaid; the United States agree to suffer said half breeds to occupy said tract of country, they holding by the same title and in the same manner that other Indian titles are held." (*c*)

A further tract was set apart by article 10 for the half-breeds of the Omahas, Iowas and Ottoes, and the Yankton and Santee bands of Sioux, bounded as follows:

Beginning at the mouth of the Little Ne-mohaw River and running up the main channel of said river to a point which will be ten miles from its mouth in a direct line, from thence in a direct line to strike the Grand Ne-mohaw ten miles above its mouth in a direct line (the distance between the two Ne-mohaws being about twenty miles); thence down said river to its mouth; thence up and with the meanders of the Missouri River to the point of beginning. (*a*)

By article 11 it appears that the land represented in the preceding article was owned exclusively by the Ottoes, and it was agreed that the Omahas, the Iowas, and the Yankton and Santee bands of Sioux should pay them therefor out of their annuities. The Santees, who were parties to this treaty, appear to have been a part of and merged with

a See map, digram 1A, 1B, 1C.
b See map, diagram 2.
c See map, diagram 3.

the Yankton Sioux, and were not of the Medawakantons and Wahpakootas, afterwards known as Santees. This conclusion seems warranted by the fact that their half-breeds went with their brethren (the Yanktons) to the Nemaha reserve, (*a*) while those provided for in article 9 went to the Lake Pepin reserve. (*b*)

But two of the Sissetons and none of the Wahpetons were signers of this treaty. Two thousand dollars per annum, either in money, merchandise, or domestic animals, were guaranteed by the treaty; also agricultural implements, iron and steel, to an amount of $700, and a blacksmith, with necessary tools, for the same period, and as long thereafter as the President of the United States might think necessary and proper. (*c*)

TREATY OF NOVEMBER 30, 1836 (7 STATUTES, 527).

The chiefs, braves, and principal men of the Wahpakoota, Sisseton, and Upper Medawakanton tribes of Sioux ceded, relinquished, and quitclaimed to the United States all their "right, title, and interest of whatsoever nature in and to the lands lying between the State of Missouri and the Missouri River," (*d*) and exonerated the United States from any guarantee, condition, or limitation, expressed or implied under the treaty of 1830, as to the entire and absolute disposition of the lands then ceded, "fully authorizing the United States to do with the same whatever shall seem expedient or necessary."

Other tribes ceded the same lands about the same time.

No annuities were provided for by this treaty.

TREATY OF SEPTEMBER 29, 1837 (7 STATUTES, 538).

This treaty was made with "certain chiefs and braves of the Sioux Nation of Indians," and purports to have been signed by members of the Medawakanton band alone, and, by article 1, cedes "to the United States all their land east of the Mississippi River, and all their islands in said river." (*e*)

In consideration of this cession the United States agreed, by article 2, to make the following payments, etc.:

First. To invest the sum of $300,000, and to pay them an annual interest of not less than 5 per cent forever.

Second. One hundred and ten thousand dollars to be distributed among the relatives and friends of the chiefs and braves.

Third. Ninety thousand dollars to be applied in the payment of the just debts of Indians interested in the lands ceded.

Fourth. Ten thousand dollars per annum, for twenty years, in goods.

Fifth. Eight thousand two hundred and fifty dollars annually for twenty years, in the purchase of implements, stock, and medicines, and for the support of a physician, farmers, and blacksmiths, and for other beneficial objects.

Sixth. Ten thousand dollars for breaking and improving their lands, agricultural implements, tools, cattle, and other useful articles.

Seventh. Five thousand five hundred dollars annually for twenty years, for the purchase of provisions.

Eighth. Six thousand dollars for presents to the parties signing the treaty.

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a See map, diagram 4.
b See map, diagram 3.
c See statement No. 1.
d See map, diagram 1C.
e See map, diagram 5.

Ninth. Four hundred and fifty dollars annually for twenty years, to Scott Campbell, for valuable services rendered.

The ninth clause of the second article and the third article of the treaty were stricken out before ratification by the United States Senate.

This treaty, therefore, provided for the investment of $300,000, at 5 per cent interest; for payments amounting to $216,000; for annuities amounting to $23,750 for twenty years, and for $15,000 per annum thereafter.

Appropriation of $216,000, to make payment for the objects above stated, was made by the act of July 7, 1838, and interest and annuities to the amount of $38,750, were provided annually up to and including the fiscal year 1857 (appropriations for two years having been credited on the books of the Indian Office in 1843), making twenty yearly installments, omitting, however, one-half of the $8,250 for the purchase of implements, etc., in the year 1843, aggregating $770,875. Appropriation of $15,000 interest per annum on $300,000 was continued, including the fiscal year 1863 and part of 1864, making six and two-thirds years, and amounting to $100,000. The total value of the above-named interest and annuities for twenty years and the $15,000 interest for six and two-thirds years more is $875,000. The total amount appropriated for the period stated was $870,875, leaving a balance of $4,125 apparently due. An appropriation of $42,841.47 was made by the act of March 3, 1857 (11 Statutes, 183), to restore "the legitimate balance found due the Medawakanton and Wahpakoota Sioux, under treaties of 1830 and 1837, for moneys heretofore carried to the surplus fund." This appropriation also covers the aforesaid apparent shortage of $4,125, as per letters of the Commissioner of Indian Affairs, dated April 8, and May 27, 1856, to the Secretary of the Interior. (Indian Office files, Report Book No. 9, pp. 277 and 322). All of these funds were faithfully expended for the benefit of the Indians, prior to July 1, 1862, excepting the last appropriated installment of $15,000 interest, provided for the fiscal year 1863, which was subsequently disbursed under the provisions of the forfeiture act of 1863. (*a*)

TREATY OF AUGUST 5, 1851 (10 STATUTES, 954).

By article 2, the Medawakantons and Wahpakootas (and the Sissetons and Wahpetons also, by their treaty of July 23, 1851), "cede and relinquish all their lands and all right, title, and claim to any lands whatever, in the Territory of Minnesota, or in the State of Iowa." (*b*)

In part consideration of the foregeing cession, the United States set apart for their future occupancy and home, "to be held by them as Indian lands are held, a tract of country of the average width of 10 miles on either side of the Minnesota River, and bounded on the west by the Tchaytambay and Yellow Medicine rivers, and on the east by the Little Rock River, and a line running due south from its mouth to the Waraju River" (art. 3). (*b*)

In further and full consideration of said cession (art. 4), the United States agreed to pay them $1,410,000, at the several times, and in the manner and for the following purposes:

First. Two hundred and twenty thousand dollars to the chiefs of said bands, to enable them to settle their affairs and comply with their present just engagements, and to remove themselves to the country set

a See statement No. 2.
b See map, diagram 6.
b See map, diagrams 9 and 10.

apart for them by the third article of the treaty without further cost or expense to the United States, and to subsist themselves for the first year after removal, also without further cost or expense on the part of the United States.

Second. Thirty thousand dollars for the establishment of manual-labor schools, erection of mills and blacksmith shops, opening farms, fencing, and breaking land, and for other beneficial purposes.

The balance of the aforesaid $1,410,000 ($1,160,000) was to remain in trust with the United States, and 5 per cent interest thereon paid annually for the period of fifty years, commencing July 1, 1852, "which shall be in full payment of said balance, principal and interest," to be applied as follows:

Third. Twelve thousand dollars for a general improvement and agricultural fund.

Fourth. Six thousand dollars for educational purposes.

Fifth. Ten thousand dollars for purchase of goods and provisions.

Sixth. Thirty thousand dollars for money annuity.

These payments aggregated $58,000 per annum.

A payment of $150,000 was provided by the eighth article of the treaty, to be made to the half-breeds who failed and refused to avail themselves of the provisions for their benefit in the ninth and tenth articles of the treaty of July 15, 1830, to be in lieu of the tracts of land then set apart for them.

This article of the treaty was stricken out by the Senate on June 23, 1852, when before that body for ratification.

Article 3 was also stricken out at the same time, and in lieu of the lands set apart by that article for the occupancy and home of the Indians a stipulation was inserted to pay them at the rate of 10 cents per acre for the lands included in that reservation, and, further, the President was authorized "to cause to be set apart by appropriate landmarks and boundaries such tracts of country without the limits of the cession made by the first article of the treaty as may be satisfactory for their future occupancy and home."

The tract set apart by the third article of the treaty contained 690,000 acres. Appropriation to pay therefor, at the rate of 10 cents per acre, amounting to $69,000, was made by the act of August 30, 1852 (10 Statutes, 52). This sum was added to the principal of $1,160,000 originally provided by the treaty, thus producing an increased income of $3,450, making the total annual income $61,450.

Beginning with the act last above noted, appropriations were annually made up to the fiscal year 1863 (by the act of July 11, 1862, 12 Statutes, 522), including two installments appropriated in the year 1854, making twelve installments in all, aggregating $737,400.

The sum of $250,000 for payment to chiefs and for manual-labor schools, etc., was also appropriated by the act of 1852.

The rebellion of these and other bands of Sioux, beginning on August 18, 1862, known as the "New Ulm massacre," prevented further payments of annuities. The Indians left their reservations and scattered to the north and west. Many of them were made prisoners by the military forces of the Government and confined at various places, principally at Davenport, Iowa, and no further expenditures for their care or support were made until arrangements had been completed for collecting and removing them to the Crow Creek Reservation (*a*) on the Missouri River, under the provisions of section 1 of the act of March 3, 1863 (12 Statutes, 819), an act for the removal of the "Sisseton, Wah-

a See map, diagram 11.

peton, Medawakanton, and Wahpakoota bands of Sioux or Dakota Indians."

At the date of the outbreak in 1862 there remained to the credit of the Medawakantons and Wahpakootas, on the books of the Indian Office, as shown by an examination thereof, balances amounting to $53,662.70, and $29,786.50 was at that date in the hands of the superintendent of Indian affairs, which was subsequently refunded by him and credited to them, making a total of $83,449.20 to their credit.

The forfeiture act of 1863, before cited, provided for the use of two-thirds of the balance remaining unexpended of annuities due and payable to the four bands for the "present" fiscal year (1863), not exceeding $100,000, and appropriated a further sum $100,000, being two-thirds of the annuity becoming due and payable to them during the next fiscal year (1864), to be apportioned "among the heads of families, or in case of their decease, among the surviving members of families of the State of Minnesota who suffered damage by the depredations" of the four bands named in the rebellion referred to.

A commission was also provided by the same act to distribute the aforesaid sums, and authority granted to use $10,000 out of the annuities of the four bands to pay the expenses of the commission in performing their duties.

As before indicated, there was a balance of $83,449.20 to the credit of the Medawakantons and Wahpakoötas, to which should be added one-half of the advance appropriation of $100,000, making $133,449.20 available funds to their credit, subject to a charge of $105,000, being one-half of the $210,000 to be paid for damages and for expenses of distribution under the provisions of the act of 1863, leaving $28,449.20, which was subsequently disbursed in the payment of indebtedness incurred for goods, supplies, and materials furnished for the use of the Indians prior to the outbreak, and for the salaries of the agency and school employees prior and subsequent thereto.

Thus, as has been shown, $250,000 for special purposes, and twelve installments of $61,450 each, and two-thirds (or, say, $40,000) of the installment for the fiscal year 1864 (including for the same time two-thirds of the annual interest of $15,000 arising under the treaty of 1837), aggregating $777,400, in all $1,027,400 (*a*), were appropriated and expended under the provisions of the treaty and the act of 1863, leaving unappropriated thirty-eight similar installments (less the aforementioned $40,000) aggregating $2,295,100—the two sums of the appropriated and unappropriated installments—making the amoun- ($3,072,500) agreed to be paid during the fifty years provided by the treaty.

It is now ascertained that but $89,779.76 of funds due the Medawakantons and Wahpakootas, and that $120,220.24 of those belonging to the Sissetons and Wahpetons, were placed at the disposal of the commissioners appointed to pay damages sustained by the sufferers of the Indian outbreak in 1862, in the execution of their duties under provisions of the act of 1863.

Believing that it was the intention of Congress that the Medawakanton and Wahpakootas and the Sissetons and Wahpetons should be held equally liable for the depredations committed by them, and that each branch should pay an equal share of the damages, it is clear that each of the branches should have been charged with $105,000 (being one-half of the sum specified by the act of 1863), and whereas it appears

a See statement No. 3.

that the two former bands were charged with a sum $15,220.24 smaller than their proportion, it seems that they should now be charged with that difference, the other bands having been credited with that sum in a report upon their affairs, also made by the Department.

TREATY OF JUNE 19, 1858 (12 STATUTES, 1031).

Article 2 of this treaty provided that a part of the lands described in the original third article of the treaty of 1851, which were subsequently confirmed to the Indians by the act of July 31, 1854 (10 Statutes, 326), as a permanent reservation (the Indians having been permitted to remain thereon and occupy the same (*a*) and not required to remove to other lands, as provided by the amendments to the treaty of 1851), were ceded to the United States, leaving to the Senate of the United States the question whether they should be allowed a specific sum of money therefor, and if so, how much; or whether the same should be sold for their benefit, they to receive the proceeds of the sale after deducting the expenses attendant thereon. (*b*)

The Senate, by resolution dated June 27, 1860, determined that the Indians "be allowed the sum of thirty cents per acre for the lands contained in that portion thereof (the reservation) lying on the north side of the Minnesota River, exclusive of the cost of survey and sale, or any contingent expense that may accrue whatever, which by the treaties of June, 1858, they have relinquished and given up to the United States" (12 Statutes, 1042).

The lands contained in the aforesaid cession were subsequently ascertained to contain 320,000 acres, the value thereof, at 30 cents per acre, being $96,000. An appropriation of that sum in payment was made by the act of March 2, 1861 (12 Statutes, 237). (*c*)

Provision was made by article 3 for the payment, out of the proceeds of the above-named tract of land, of such sum or sums as might be found necessary and proper to satisfy the just debts and obligations of the Indians, and to provide goods to be taken by the chiefs and head men to the tribesmen on their return. (This treaty was made in the city of Washington.)

A portion of the "debts and obligations" in question was paid out of this fund, and the balance out of a fund provided by the act approved May 16, 1874 (18 Statutes, 47), which appropriated $70,000 to pay

> the creditors of the Upper and Lower bands of Sioux Indians, arising under the treaty of June nineteenth, eighteen hundred and fifty-eight, between said bands of Indians and the United States, and from the diversion by the United States of the funds and assets of said Indians in their control and possession applicable to that purpose,

doubtless referring to the confiscated annuities arising under the treaty of 1851.

"Debts and obligations" of the Lower bands (Medawakantons and Wahpakootas), including the expenses of payment, amounting to $42,086.93, were paid out of the fund provided by the act of 1874. This amount appears to be a proper charge against the Indians in any future adjustment of their account.

This comprises all the financial transactions of these bands up to the date of their rebellion against the authority of the Government. After

a See map, diagrams 9 and 10.
b See map, diagram 10.
c See statement No. 4.

their subjugation and the collection of a portion of their membership on the Crow Creek Reservation (*a*), in 1863 and subsequent years, where they remained until some time in 1866, they, with a portion of the Sisseton and Wahpeton bands, were supported by direct appropriations made by Congress, until their removal to the Niobrara or Santee Reservation (*b*) in the State of Nebraska, on which reservation they have since remained and been known as the Santee Sioux or Santees. This reservation comprises 72,914.46 acres.

Appropriations for the removal, location, and support of the four bands, and for damages caused by their outbreak, were made from time to time, between March 3, 1863, and March 3, 1885, aggregating $1,849,660.01, of which $1,778,709.48 was expended in the payment of such expenses, and the balance, $70,950.53, returned to the Treasury. (*c*)

These expenditures became necessary because of the concerted and united action of the four bands. No difference in degree of liability for the acts committed by them has ever been recognized, and it would appear that each branch is liable for its proportion—$889,354.74.

Other appropriations were made for their support after their removal to Nebraska, aggregating $50,000 (*d*), of which $46,300.05 was expended for that purpose, and $3,699.95 carried to the surplus fund. An appropriation of $15,000 (*d*) was also made to pay damages sustained by citizens of Nebraska, because of locating the Santees on their lands, $11,612.93 thereof being expended in the payment of said damages, and $3,387.07 was also carried to the surplus fund.

The so-called forfeiture or confiscation act of February 16, 1863, so far as it affected the landed interests of these bands, had such force or effect only in theory, as the lands in Minnesota belonging to them were subsequently sold by authority of Congress, and the proceeds devoted to their use.

SIOUX RESERVATIONS IN MINNESOTA AND DAKOTA.

(Act of March 3, 1863, 12 Statutes, 819.)

By this act Congress authorized the sale of the reservations in Minnesota and Dakota belonging to the four bands, and the use of the proceeds for the benefit of the Indians in their new homes, in establishing them in agricultural pursuits. (*e*)

A survey of these reservations was made in 1865, by which it appears that there were 721,172.65 acres—606,065.05 in Minnesota and 115,107.60 in Dakota—and the appraised valuation thereof was $941,218.31. It was subsequently ascertained that the survey in Dakota was incorrect, and another was made in 1882, by which it was ascertained that the area was 131,018.98 acres; but these lands were not reappraised. The books of the General Land Office indicate that sales have been made under the original survey.

Sales have been made amounting to $944,810.78, including interest on deferred payments, and $934,415.61 have been expended, leaving a balance of $10,395.17 on hand. (*f*)

The first proceeds were received in 1865, and from that date up to July 15, 1870, the sums so received were credited to the Indians on the books of the Indian Office under one general title, and expended jointly

a See map, diagram 11.
b See map, diagram 15.
c See statement No. 5.
d See statement No. 6.
e See map, diagram 9.
f See statement No. 7.

for the benefit of the Santees and the Sissetons and Wahpetons. By section 7 of the act of that date (16 Statutes, 361) it was provided—

That the act approved March three, eighteen hundred and sixty-three, entitled "An act for the removal of the Sisseton, Wahpeton, Medawakanton, and Wahpakoota bands of Sioux or Dakota Indians, and for the disposition of their lands in Minnesota and Dakota," be so amended as to make the proceeds of the sale of the reservations in said act ordered to be sold applicable alike to all the reservations upon which Medawakanton, and Wahpakoota and Sisseton and Wahpeton have been or may hereafter be located.

And—

SEC. 8. That said proceeds shall be distributed and paid equitably to the said Indians in proportion to their numbers * * * : *Provided*, That this provision shall apply only to the funds to be hereafter distributed.

In accordance with the provisions of the act just cited, on that date the account was divided between the Santees and the Sissetons and Wahpetons at the Lake Traverse and Devil's Lake reservations, proportioned according to the number of Indians comprising the two branches; and on July 1, 1871, the account of the Sissetons and the Wahpetons was divided into two parts, one each for those at the Lake Traverse and the Devil's Lake reservation.

The expenditures from this fund to July 15, 1870, were $206,753.66, jointly for the benefit of the four bands. Between that date and July 1, 1871, $19,159.19 were expended for the Sissetons and Wahpetons on their two reservations, and since then $293,033.64 for those on the Lake Traverse Reservation, and $195,979.98 for those on the Devil's Lake, while $219,489.14 have been expended since July 15, 1870, for the Santee Sioux in Nebraska.

The division of funds in 1870 was on the basis of 0.6766 per centum for those on the Lake Traverse and Devil's Lake reservations, and 0.3234 per centum for the Santees. The division in 1871 was on the basis of 0.3438 per centum for the latter; 0.4534 for those at the Lake Traverse, and 0.2328 for those at Devil's Lake. All proceeds received after July 1, 1872, were distributed on the basis of three-sevenths for the Lake Traverse Indians, and two-sevenths each for the Santees and those at Devil's Lake—it being estimated that there were 1,500 of the former and 1,000 each of the two latter, 3,500 in all. These proportions have since been maintained in dividing the proceeds of these lands.

The preceding concludes the history of the financial and landed operations of the Medawakanton and Wahpakoota or Santee bands of Sioux, under the treaties made with them as separate and distinct organizations, or as a part of the Sioux of the Mississippi, and brings their matters down to a period when their interests were merged with those of the great Sioux Nation.

TREATY OF APRIL 19, 1868 (15 STATUTES, 635).

This was a treaty of amity between the United States and several bands of Sioux Indians in Dakota and Wyoming Territories known as Sioux of the plains or Dakota and the Santee Sioux of Nebraska, whereby the United States agreed that a certain district of country, described in article 2, should be set apart for the absolute and undisturbed use and occupation of the Indians named therein. It was further agreed (art. 10) that certain articles of clothing for males and females within certain prescribed ages should be provided annually for thirty years, also a certain specified sum per capita for each person entitled to the beneficial effects of the treaty while such persons roam and hunt,

and a certain other specified sum per capita for persons engaged in farming, to be used by the Secretary of the Interior in the purchase of such articles as the condition and necessities of the Indians might indicate to be proper; flour and meat were also to be provided for a period of four years for each person who should remove to and settle upon the reservation set apart by the provisions of article 2. Other provisions for the welfare and benefit of the Indian parties were incorporated in the treaty, but no special provisions for the Santees appear therein, and no lands were ceded to the United States.

The various articles provided by article 10 to be furnished the Indians named were to be—

> In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under any treaty or treaties heretofore made.

And by article 17 it was further agreed:

> It is hereby expressly understood and agreed by and between the respective parties to this treaty that the execution of this treaty and its ratification by the United States Senate shall have the effect and shall be construed as abrogating and annulling all treaties and agreements heretofore entered into between the respective parties hereto, so far as such treaties and agreements obligate the United States to furnish and provide money, clothing, or other articles of property to such Indians or bands of Indians as become parties to this treaty, but no further.

This treaty was signed by the Santees and nine other bands of Sioux and the Arapahoes.

It will be observed that the stipulation providing for limited rations or subsistence continued for a period of only four years. After the expiration of this period, subsistence, consisting of a more generous ration, was annually provided for by Congress as a gratuity, until the agreement of 1877, which provided a stipulated ration.

AGREEMENT OF FEBRUARY 28, 1877 (19 STATUTES, 254).

This agreement was concluded with practically the same bands of Sioux Indians and the Northern Cheyennes and Arapahoes, and provided for new western boundaries for their reservation, within the limits of the original reservation, east of the western line established by the treaty of 1868. (This was known as the Black Hills cession.)

In consideration of this cession, it was agreed (art. 5) that the United States should provide the said Indians with rations, prescribed by the agreement, to be continued until they are able "to support themselves," and, by article 8, the provisions of the treaty of 1868 not modified by this agreement were continued in full force.

ACT OF MARCH 2, 1889 (25 STATUTES, 888).

By this act separate reservations were set apart for the several bands residing within the limits of the Great Sioux Reservation, and provision was made (sec. 21) that all lands outside of the separate reservations described in the act should be restored to the public domain, with certain exceptions, noted therein, of tracts set apart for public parks.

In consideration of this cession a permanent fund of $3,000,000 was created (sec. 17), one-half of the interest on which, at 5 per cent, was to be devoted to the promotion of industrial and other education among the Indians of the several reservations, and the other half in such manner and for such purposes, including reasonable cash payments per capita, as shall contribute to their advancement and self-support. The proportion of this fund belonging to the Santees and Flan-

dreans is $180,317.62, (*a*) the annual interest thereon being $9,015.88, which is subject to application as above indicated.

The Santee and Flandreau Sioux were especially mentioned as beneficiaries in these provisions. Those members of the Santee Sioux who had not already taken allotments on their reservation in the State of Nebraska (*b*), were declared to be entitled and authorized to take allotments on that reservation (sec. 7), and all allotments theretofore taken by them were ratified and confirmed, and they were declared to "be entitled to all other benefits under this act in the same manner and with the same conditions as if they were residents upon the said Sioux Reservation, receiving rations at one of the agencies" named in the act; and each member of the Flandreau Sioux was authorized to take allotments on the Great Sioux Reservation, or in lieu thereof was to be paid at the rate of $1 per acre for the land to which they would be entitled, and they were also declared to be entitled, in all other respects, to the benefits of the act, the same as if receiving rations and annuities at one of the aforesaid agencies.

Section 17 further provided:

> That each head of family or single person over the age of eighteen years who shall have or may hereafter take his or her allotment of land in severalty shall be provided with two milch cows, one pair of oxen with yoke and chain, or two mares and one set of harness in lieu of said oxen, yoke, and chain, * * * and they shall also receive one plow, one wagon, one harrow, one hoe, one axe, and one pitchfork, * * * and also fifty dollars in cash.

The provisions of the treaty of 1868 and agreement of 1877 not in conflict with the provisions of this act were continued in full force (sec. 19).

There appeared to be doubt as to the right of the Santee and Flandreau Sioux to participate in the benefits provided by section 17 of the act, but these benefits were confirmed to them by the act of June 10, 1896 (29 Statutes, 334), which authorized the value of the articles prescribed by said section 17 to be commuted and converted into money, or so much thereof as might be deemed advisable by the Secretary of the Interior, to be paid to said Indians—the payment to "be held to be a liquidation of the obligations of the United States to said Indians under that portion of said section 17, so far as the articles of personal propery therein named are concerned."

The Indians known as Flandreau Sioux are Santees. In March, 1869, about twenty-five families of the latter, including four chiefs, became possessed of the idea that as citizens they could make more rapid advancement in civilization, and voluntarily dissolved their relations with the tribe and located on the Big Sioux River, in Moody County, Dakota, selected homesteads, and have remained there ever since.

Excepting the expenditures for their benefit from funds appropriated for them in 1870, and from funds arising from their proportion of the proceeds of their reservation in Minnesota, (*c*) sold under the provisions of the act of 1863, the Santees and Flandreaus have, since 1869, been maintained and provided for under the provisions of the treaty of 1868, the agreement of 1877, and the act of 1889.

The expenditures for them since the beginning of the fiscal year 1871 (July 1, 1870) amount to $2,073,838.13 (*d*), of which the Government has provided $1,818,995.75 by direct appropriations for their benefit and for the Sioux of different tribes, and $254,842.38 from the proceeds of their reservations and from their proportion of the interest on the

a See statement No. 8.
b See map, diagram 15.
c See map, diagram 9.
d See statement No. 9.

"Sioux fund" have been used during that period, making an average annual expenditure of $67,370.21 during that time, twenty-seven years, from funds provided by the Government. Of the total amount expended $1,771,618.90 have been for the Santees proper and $302,219.23 for the Flandreaus. The latter received money in lieu of land (act of August 19, 1890, 26 Statutes, 349), as did some of the Santees who were unable to select lands on their reservation (acts of January 19, 1891, 26 Statutes, 720, and July 13, 1892, 27 Statutes, 145).

SUBSISTENCE SUPPLIES.

The value of the subsistence furnished the Santees since their location on the reservation in Nebraska is $560,953.44, which includes also the value of subsistence furnished the Flandreaus since their separation from the main body. Inasmuch as the Santees and the Sissetons and Wahpetons were provided for as a whole while on the Crow Creek Reservation, in Dakota, from some time in 1863 to their separation in 1866, and the removal of the former to Nebraska, it is impracticable to state definitely the value of the subsistence furnished either branch during that period.

UNPAID ANNUITIES.

The amount of unpaid annuities under the treaties of 1830 and 1837, including $300,000 in principal under the treaty of 1837, confiscated by the act of February 16, 1863, is $3,052,792.83. (*a*)

MEDAWAKANTONS IN MINNESOTA.

A few members of this band, numbering twenty-three families in 1887, who were parties to the treaty of 1851, and who were reputed to be friendly to the whites during the war period of 1862, and became scattered over the State of Minnesota, and never thereafter settled upon any reservation, have received aid from the Government, beginning in 1884, to the extent of $70,739.66. (*b*)

This amount has been expended in small per capita payments to them and in the purchase of land in Minnesota, upon which they have located, and for agricultural implements, seeds, cattle and horses, and small quantities of food and clothing when necessary. An available balance of $2,500 of the appropriation for their benefit for the fiscal year 1898 remains on the books of the Indian Office. It is presumed that this sum will be needed for per capita payments to them, and will make the total expenditure for their benefit $73,239.66.

From a review of the several treaties with the Medawakantons and the Wahpakootas it appears that no cessions were made by the treaty of 1825.

By the treaty of 1830 these bands, with the Sissetons and Wahpetons and other tribes, ceded all their right and title to the tract of land described in article 1, (*c*) and by article 3 the four bands ceded a tract 20 miles wide, from the Mississippi River to the Demoine River, (*d*) in consideration of an annuity of $2,000 for ten years, with other allowances specified in the fourth, fifth, and eighth articles of the treaty. A tract was also set apart for the half-breed brethren of the four bands, article 9, (*e*) and by article 10 (*f*) still another tract for the half-breeds of the other tribes, parties to the treaty. The four bands of

a See statement No. 11.
b See statement No. 12.
c See map, diagrams 1A, 1B, 1C.
d See map, diagram 2.
e See map, diagram 3.
f See map, diagram 4.

Sioux had no interest in any of the lands ceded by article 1, except in those embraced within diagram 1B, shown on the map. All of these agreements were faithfully fulfilled by the United States.

The Upper Medawakantons and Wahpakootas and the Sissetons, by the treaty of 1836, ceded all their interest, "of whatsoever nature," in the lands lying between the State of Missouri and the Missouri River (a) by this treaty, confirming to the United States all their right and interest to the lands ceded by the treaty of 1830.

The Medawakanton band alone, by the treaty of 1837, ceded all their land east of the Mississippi River and all their islands in that river. (b)

By the treaty of 1851 (art. 2) the Medawakantons and Wahpakootas ceded and relinquished, jointly with the Sissetons and Wahpetons, all their lands and all their right, title, and claim to any lands whatever in the Territory of Minnesota and in the State of Iowa, (c) reserving, however, a certain tract described in article 3 for their future occupancy and home; (d) but this article of the treaty was rejected by the Senate and an amendment inserted by that body, agreeing to pay the Indians at the rate of 10 cents per acre for the lands included in the reservation provided by the original third article, and further providing that the President should cause to be set apart, by appropriate landmarks and boundaries, such tracts of country without the limits of the cession made by the second article as might be satisfactory for their future occupancy and home. This provision of the treaty was never fulfilled; but the Indians were permitted to retain the lands in question, and subsequently the same were confirmed to them as a permanent reservation by the act of July 31, 1854.

It appears that, by these treaties, the Medawakantons and Wahpakootas had disposed of all the lands in which they had any interest, excepting in the tract reserved for their occupancy and home by the treaty of 1851. (d)

This view of the case seems to be confirmed by the treaty of June 19, 1858. By article 1 it was provided that so much of that part of the reservation south or southwestwardly of the Minnesota River, being a part (e) of the land described in the third article of the treaty of 1851, should "constitute a reservation for said bands," and should be surveyed and allotted in severalty to those entitled, the residue, or unallotted portion, to be held in common by them. Article 2 cites the failure to locate them upon other lands "without the limits of the cession" made by article 2 of the treaty of 1851 (as per Senate amendment to that treaty), and provided that the question of their rights should be submitted to the Senate, and also as to what compensation should "be made to them for that part of said reservation or tract of land lying on the north side of the Minnesota River." (f) (They were afterwards paid at the rate of 30 cents per acre for this land by the act of March 2, 1862.)

The Government had permitted them to remain upon these lands, which were confirmed to them both by the act of July 31, 1854, and the treaty of 1858, not requiring them to move to other lands "without the limits of the cession" made by the treaty of 1851; but no claim was made by them, or mention thereof, in the treaty of 1858 to any other lands whatever.

The Indians remained upon their diminished reservation until the outbreak of 1862, and after the confiscation of their annuities, and the

a See map, diagram 1C.
b See map, diagram 5.
c See map, diagram 6.
d See map, diagrams 9 and 10.
e See map, diagram 9.
f See map, diagram 10.

forfeiture of all lands and the rights of occupancy therein in the State of Minnesota were collected under the provisions of the act of March 3, 1863, and located on the Crow Creek Reservation in Dakota, (*a*) where they remained until their final location in the State of Nebraska. (*b*)

No interest in lands was acquired under the provisions of the treaty of 1868 or the agreement of 1877.

The act of 1889 authorized the Flandreau Sioux to take allotments on the Great Sioux Reservation, or to be paid at the rate of $1 per acre in lieu thereof for the number of acres to which they would be entitled. Those members of the Santee Sioux, who had not already taken allotments on their reservation in Nebraska, were authorized to make selections on that reservation. But it subsequently appearing that there was not a sufficient quantity of unallotted lands on that reservation for all who were entitled, the money value of the lands they were entitled to was paid to those who were unable to secure them.

The consideration paid them for the several cessions mentioned in the foregoing treaties, etc., appears to be:

No cessions were made by the treaty of 1825, and no payments were promised.

For those by the treaties of 1830 and 1836, (*c*) their claims or interests being of nominal value and of doubtful character, only nominal annuities were granted, (*d*) and a reservation was set apart for their half-breed brethren.

For those by the treaty of 1837, (*e*) they were to receive $15,000 per annum forever, and an annuity of $23,750 for twenty years, together with certain cash payments amounting to $216,000, in all, aggregating $991,000 in twenty years, and $15,000 per annum thereafter. The payment of the latter sum was kept up for six and two-thirds years more, making $100,000 additional, and a total for the whole period of $1,091,000. (*f*)

For the cessions made by the treaty of 1851, (*g*) they were to receive $61,450 per annum for fifty years, together with cash payments amounting to $250,000, the whole aggregating $3,322,500. It has been shown that $1,027,400 were provided by Congress and expended for their benefit. (*h*) A reservation was also promised (art. 3), but the Senate declined to confirm this article, and agreed that they should have other lands instead, at the same time authorizing an increase of the principal upon which their income was based, by adding $69,000 thereto, begin the value of the aforesaid reservation, (*i*) at the rate of 10 cents per acre for 690,000 acres, upon which they were to receive 5 per centum interest. This increased their annual income by $3,450, making $61,450 per annum instead of $58,000, as originally fixed by the treaty. This reservation was, however, subsequently confirmed to them, and a part of it (320,000 acres) sold by them to the Government, at 30 cents per acre, realizing $96,000, (*j*) and leaving them the undisputed owners of the remainder. (*k*)

After the outbreak of 1862 and the confiscation of their annuities and Minnesota lands, Congress authorized the sale of these lands (*l*) (act of March 3, 1863) and the use of the proceeds for the benefit of the Indians. Their share of these proceeds has amounted to $219,692.54,

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a See map, diagram 11.
b See map, diagram 15.
c See map, diagrams 1A, 1B, 1C, and 2.
d See statement No. 1.
e See map, diagram 5.
f See statement No. 2.
g See map, diagram 6.
h See statement No. 3.
i See map, diagrams 9 and 10.
j See map, diagram 9.
k See map, diagram 10.
l See map, diagram 10.

of which $219,489.14 have been expended for their benefit, leaving $203.40 on hand, and they also participated in their proportionate share of $206,753.66 of such proceeds, expended jointly for the benefit of themselves and the Sissetons and Wahpetons prior to July 15, 1870.

In the meantime they had received the increased annual income of $3,450 for twelve and two-third years, amounting to $43,700, as well as the $96,000 from the north part(*a*) of their reservation, the latter being a part of the lands that produced the aforesaid increased income.(*a*)

Under the treaty of 1868 and agreement of 1877, and act of 1889, they have received goods, supplies, and money aggregating $1,818,995.75, have a trust fund of $180,317.62 to their credit in the Treasury of the United States, at 5 per cent interest, on which $71,132.80 have been placed to their credit on December 31, 1897, and an annual income thereon of $9,015.88.

Other sums aggregating $1,062,594.31, including their proportion of the expenses of removal and maintenance and for damages, and the care and support of their brethren in Minnesota, have been appropriated and expended for their benefit.

They have also nearly 73,000 acres of allotted lands in Nebraska,(*b*) given them after the rebellion of 1862.

Provision was made by article 7 of the treaty of 1868 for education for a period of twenty years, and by article 10 for certain clothing and other articles for beneficial purposes for thirty years, and by article 5 of the agreement of 1877 for certain articles of subsistence to "be continued until the Indians are able to support themselves." Section 17 of the act of 1889 extended the educational feature of the treaty of 1868 for another period of twenty years, "from and after the time this act (of 1889) shall take effect." The first appropriation to carry this provision into effect was by the act of January 19, 1891 (26 Statutes, 720), fiscal year 1891. The said provision, therefore, continues to include the fiscal year 1910. The provision for clothing and beneficial purposes expires with the fiscal year 1900, but that for subsistence supplies continues indefinitely, until they "are able to support themselves."

The Santees and Flandreaus retain their interests in these valuable concessions, as valuable, if not more so—considering the value of the lands given them in Nebraska and the trust fund placed to their credit, and the sums that have been expended for them since 1870 (but without taking into account the sums expended for them between 1862 and 1870), and the extended period during which the above-named provisions are to continue—than the value of the annuities confiscated.

Extent of reservation.

	Acres.
Treaty of 1830. Lake Pepin, half-breed, diagram 3	320,819.48
Treaty of 1851. South of Minnesota River, diagram 9, estimated	370,000.00
Treaty of 1851. North of Minnesota River, diagram 10, estimated	320,000.00
Act of 1863. Santee or Niobrara, diagram 15	72,914.46
Total	1,083,733.94

The lands embraced in diagram 3 were surveyed to ascertain the pro rata share of each half-breed, and scrip, locateable within or outside of the reservation, was issued to the persons entitled thereto (act of July 17, 1854, 10 Statutes, 304); those embraced in diagram 9 were sold under the provisions of the act of March 3, 1863; those in diagram 10 were purchased by the United States under the provisions of the

a See map, diagrams 9 and 10.
b See map, diagram 15.

treaty of 1858, and those in diagram 15 are retained as allotments by the Santees.

Copies of the several treaties and agreements, with statements showing the financial transactions and a tracing of a map of the reservations referred to accompany this report.

Statement No. 1.—*Treaty of July 15, 1830* (7 Statutes, 328).

Act.	Statute.		Object.	Appropriated.	Expended.
	Vol.	Page.			
Mar. 2, 1831	4	464	Annuity, implements, etc	$3,700.00	
June 4, 1832	4	526	.....do	3,700.00	
Feb. 20, 1833	4	616	.....do	3,700.00	
June 26, 1834	4	682	.....do	3,700.00	
Mar. 3, 1835	4	780	.....do	3,640.00	
June 14, 1836	5	36	.....do	3,640.00	
Mar. 3, 1837	5	158	.....do	3,640.00	
July 7, 1838	5	300	.....do	3,760.00	
Mar. 3, 1839	5	324	.....do	3,760.00	
July 20, 1840	5	404	.....do	3,760.00	
Mar. 3, 1841	5	418	Blacksmith, implements, etc	1,760.00	
July 17, 1842	5	495	.....do	1,760.00	
					$40,520.00
				40,520.00	40,520.00

NOTE.—The treaty provided for $2,000 in annuity for a period of ten years, and the other allowances as long thereafter as the President of the United States might think it necessary and proper. These latter were continued for two years after the expiration of the ten years.

Statement No. 2.—*Treaty of September 29, 1837.*

Act.	Statute.		Object.	Appropriated.	Expended.
	Vol.	Page.			
			Payment to relatives	$110,000.00	
			Payment of debts	90,000.00	
			Breaking land, etc	10,000.00	
			Goods for chiefs and braves	6,000.00	
					$216,000.00
July 7, 1838	5	300	Interest on $300,000	15,000.00	
			Annuity	23,750.00	
Mar. 3, 1839	5	324	Interest and annuity	38,750.00	
July 20, 1840	5	404	.....do	38,750.00	
Mar. 3, 1841	5	418	.....do	38,750.00	
July 17, 1842	5	495	.....do	38,750.00	
Mar. 3, 1843	5	612	.....do	*a* 73,375.00	
June 17, 1844	5	712	.....do	38,750.00	
Mar. 3, 1845	5	774	.....do	38,750.00	
June 27, 1846	9	30	.....do	38,750.00	
Mar. 1, 1847	9	142	.....do	38,750.00	
July 29, 1848	9	261	.....do	38,750.00	
Mar. 3, 1849	9	390	.....do	38,750.00	
Sept. 30, 1850	9	553	.....do	38,750.00	
Feb. 27, 1851	9	583	.....do	38,750.00	
Aug. 30, 1852	10	51	.....do	38,750.00	
Mar. 3, 1853	10	235	.....do	38,750.00	
July 31, 1854	10	326	.....do	38,750.00	
Mar. 3, 1855	10	696	.....do	38,750.00	
Aug. 18, 1856	11	76	.....do	38,750.00	
Mar. 3, 1857	11	181	Interest on $300,000	15,000.00	
	11	183	Restoration of amounts previously carried to the "surplus fund"	38,716.47	
	11	183	To make good deficiency in appropriation for fiscal year 1843	4,125.00	
May 5, 1858	11	283	Interest on $300,000	15,000.00	
Feb. 28, 1859	11	399	.....do	15,000.00	
June 19, 1860	12	55	.....do	15,000.00	
Mar. 2, 1861	12	231	.....do	15,000.00	
July 11, 1862	12	522	.....do	15,000.00	
					875,000.00
Feb. 16, 1863	12	652	Interest on $300,000, in advance	10,000.00	
			Amount returned to the United States Treasury	.....	*b* 38,716.47
				1,129,716.47	1,129,716.47

a Appropriations for two years, less $4,125, which was made good by the act of March 3, 1857.
b See report.

Statement No. 3.—*Treaty of August 5, 1851* (10 Statutes, 954).

Act.	Statute. Vol.	Statute. Page.	Object.	Appropriated.	Expended.
Aug. 30, 1852	10	53	Removal and subsistence	$220,000.00	
			Manual-labor schools, etc	30,000.00	$250,000.00
			Annuities	61,450.00	
Mar. 3, 1853	10	235	.....do	61,450.00	
May 31, 1854	10	293	.....do	61,450.00	
July 31, 1854	10	326	.....do	61,450.00	
Mar. 3, 1855	10	696	.....do	61,450.00	
Aug. 18, 1856	11	76	.....do	61,450.00	
Mar. 3, 1857	11	181	.....do	61,450.00	
May 5, 1858	11	283	.....do	61,450.00	
Feb. 28, 1859	11	399	.....do	61,450.00	
June 19, 1860	12	55	.....do	61,450.00	
Mar. 2, 1861	12	231	.....do	61,450.00	
July 11, 1862	12	522	.....do	61,450.00	
Feb. 16, 1863	12	652	Annuities in advance	40,000.00	777,400.00
				1,027,400.00	1,027,400.00

Statement No. 4.—*Treaty of June 19, 1858* (12 Statutes, 1031).

Act.	Statute. Vol.	Statute. Page.	Object.	Appropriated.	Expended.
Mar. 2, 1861	12	237	In payment for 320,000 acres of land, at 30 cents per acre, on the north side of the Minnesota River, originally described in article 3 of the treaty of August 5, 1851, and subsequently confirmed to the Indians as a reservation by the act of July 31, 1854	$96,000.00	
May 16, 1874	18	47	To pay creditors of Lower bands of Sioux, being part of appropriation of $70,000 to pay claims against both Upper and Lower bands	42,086.93	$138,086.93
				138,086.93	138,086.93

Statement No. 5.—*Removal of Indians and payment of damages arising under the provisions of the act of February 16, 1863.*

Act.	Statute. Vol.	Statute. Page.	Object.	Appropriated.	Expended.
Mar. 3, 1863	12	784	For removal, etc	$50,016.66	
May 26, 1864	13	92	For payment of damages	928,411.00	
				241,963.00	
June 25, 1864	13	172	For removal, etc	113,043.40	
		180	For support	100,000.00	
Mar. 3, 1865	13	559	.....do	100,000.00	$1,778,769.43
July 26, 1866	14	279	.....do	100,000.00	
Mar. 2, 1867	14	514	.....do	100,000.00	
June 22, 1874	18	141	For subsistence and clothing	a 13,942.03	
Mar. 3, 1877	19	549	For damages	2,283.92	
Mar. 3, 1885	23	344	.....do	100,000.00	
			Amount returned to the United States Treasury		70,930.58
				1,849,660.01	1,849,660.01

a Not expended, and constituted a part of the sum returned to the Treasury.

Statement No. 6.—*For support and payment of damages.*

Act.	Statute. Vol.	Statute. Page.	Object.	Appropriated.	Expended.
July 27, 1868	15	221	For support	$50,000.00	$57,912.98
Apr. 10, 1869	16	39	For payment of damages to citizens of Nebraska in 1866	15,000.00	
			Amount returned to the United States Treasury		7,087.02
				65,000.00	65,000.00

Statement No. 7.—*Proceeds of Sioux reservations in Minnesota and Dakota.*

Act.	Statute. Vol.	Statute. Page.	Object.	Amount of sales.	Expended.
Mar. 3, 1863	12	819	Provision was made by this act for the sale of these reservations and for the use of the proceeds in establishing the Indians in agricultural pursuits. Sales have been made amounting to	$944,810.78	$934,415.61
			Balance on hand, due to:		
			Sissetons and Wahpetons, Lake Traverse		9,257.15
			Sissetons and Wahpetons, Devils Lake		934.62
			Santee and Flandreau Sioux		203.40
				944,810.78	944,810.78

NOTE.—See report for analysis.

Statement No. 8.—*Permanent fund—Santees and Flandreaus.*

Act.	Statute. Vol.	Statute. Page.	Object.	Appropriated.	In Treasury to the credit of the Indians.
Mar. 2, 1889	25	888	Proportion of $3,000,000 fund created by this act, belonging to the Santees and Flandreaus, per census of 1890	$180,317.62	$180,317.62

NOTE.—This fund bears interest at the rate of 5 per cent per annum, commencing February 10, 1890. From that date to December 31, 1897, $71,132.80 have been collected thereon, of which $37,683.97 have been expended for supplies and in per capita payments, leaving a balance of $33,448.83.

Statement No. 9.—*Expenditures since 1870 for account of Santee and Flandreau Sioux, under treaty of 1868, agreement of 1877, and act of 1889.*

Object.	For Santees.	For Flandreaus.	Total.
For subsistence	$409,740.89	$21,427.41	$431,168.30
For dry goods, clothing, etc	233,105.92	31,840.57	264,946.49
For agricultural implements, wagons, harness, etc	514,802.28	82,612.02	597,414.30
For houses and building material	88,590.54	20,098.84	108,689.38
For stock cattle	135,048.31	18,572.99	153,621.30
For employees, white and Indian labor	222,886.43	27,837.96	250,724.39
For transportation of supplies by Indians	4,658.46	791.62	5,450.08
Per capita payments:			
To pay incumbrances on land		4,999.02	4,999.02
Commuted value of treaty articles, under provisions of act of Mar. 2, 1889	112,396.77	43,516.80	155,913.57
Annuity	18,988.00	5,882.00	24,870.00
Money in lieu of land	a 31,401.30	44,640.00	76,041.30
	1,771,618.90	302,219.23	b 2,073,838.13

a Paid to individuals who were unable to take lands on their reservation because of the restoration of the unallotted portion to the public domain.

b $254,842.38 of the total expenditures were made from funds belonging to the tribe, leaving $1,818,995.75 as the amount provided by direct appropriations. (See report.)

DR. Statement No. 10.—*Santees—General account.* CR.

Disposition of fund.	Amount.	Due under treaties, etc.	Amount
Expended, treaty of 1830, statement No. 1	$40,520.00	Amount of installments appropriated, treaty of 1830, statement No. 1	$40,520.00
Expended, treaty of 1837, statement No. 2	1,091,000.00	Amount of installments and special funds appropriated, treaty of 1837, statement No. 2	1,091,000.00
Expended, treaty of 1851, statement No. 3	1,027,400.00	Amount of installments and special funds appropriated, treaty of 1851, statement No. 3	1,027,400.00
Expended, treaty of 1858, statement No. 4	138,086.93	Value of land ceded, treaty of 1858, statement No. 4	96,000.00
Expended, removal and damages, act of Feb. 16, 1863, share chargeable to Santees, statement No. 5	889,354.74	Value of reservations in Minnesota and Dakota, share of Santees since July 15, 1870, statement No. 7	219,692.54
Expended, support and damages, statement No. 6	57,912.98	Value of their share of permanent fund, section 17, act of Mar. 2, 1889, statement No. 8	180,317.62
Expended, proceeds of reservations in Minnesota and Dakota, since July 15, 1870	a 219,489.14	Amount of interest collected on the above, from Feb. 10, 1890, to Dec. 31, 1897, statement No. 8	71,132.00
Balance due on hand, statement No. 7	203.40	Amount applied to the use of the Santees under treaty of 1868, agreement of 1877, and act of 1889, statement No. 9	1,818,995.75
Amount in Treasury to the credit of the Santees, permanent fund, statement No. 8	180,317.62	Excess of appropriations and payments over amounts due under treaty stipulations and value of lands ceded and paid for and interest on investment, not including value of unpaid annuities under treaties of 1837 and 1851, confiscated by the act of Feb. 16, 1863, as per statement No. 11	1,077,814.55
Expended, interest on above	37,683.97		
Balance due on hand, statement No. 8	33,448.83		
Expended, treaty of 1868, etc., statement No. 9	1,818,995.75		
Amount chargeable to Santees in settlement of damages payable under the act of Feb. 16, 1863 (see report)	15,220.24		
Expended, Medawakantons in Minnesota, statement No. 12	73,239.66		
	5,622,873.26		5,622,873.26

a The Santees participated jointly with the Sissetons and Wahpetons in the expenditure of $206,753.66 of the proceeds of these reservations between 1865 and July 15, 1870, when the accounts were divided according to the interests of the respective branches of the four bands.

Statement No. 11.—*Value of annuities, treaties of 1837 and 1851.*

The treaty of 1837 provided for the investment of $300,000, at an annual interest of 5 per cent.		
Appropriations were made up to and including the fiscal year 1863, and two-thirds of the amount due for the fiscal year 1864, leaving one-third of the latter and all subsequent years unpaid (including the fiscal year 1898), making thirty-four and one-third years, at $15,000		$515,000.00
Add principal		300,000.00
The treaty of 1851 guaranteed the payment of fifty annual installments of $61,450 each, in all		3,072,500.00
		3,887,500.00
Twelve installments of $61,450 each, and two-thirds of the installment for the fiscal year 1864 ($40,000), were appropriated and expended, in all (statement No. 3)	$777,400.00	
Amount advanced by the act of May 16, 1874, to pay tribal "debts and obligations," per treaty of June 19, 1858, chargeable against annuities confiscated under act of February 16, 1863 (statement No. 4)	42,086.93	
Amount chargeable in settlement of damages paid under the provisions of the same act (see report)	15,220.24	
		834,707.17
Leaving unpaid annuities amounting to		3,052,792.83

Statement No. 12.—*Medawakantons in Minnesota.*

Act.	Statute.		Object.	Appropriated.	Expended.
	Vol.	Page.			
July 4, 1884	23	87	For support	$10,000.00	
Mar. 3, 1885	23	375			
May 15, 1886	24	39	do	10,000.00	
June 29, 1888	25	228	do	20,000.00	
Mar. 2, 1889	25	992	do	12,000.00	$70,739.66
Aug. 19, 1890	26	349	do	8,000.00	
Mar. 2, 1895	28	873	do	327.50	
Do	28	892	do	5,000.00	
June 10, 1896	29	338	do	5,000.00	
June 7, 1897	30	78	do	5,000.00	
			Amount returned to the United States Treasury		2,087.84
			Balance available for expenditure during fiscal year 1898		2,500.00
				75,327.50	75,327.50

JOHN QUINCY ADAMS,

President of the United States of America.

To all and singular to whom these presents shall come, greeting:

Whereas a treaty between the United States of America and the Sioux and the Chippewa, Sac and Fox, Menominie, Ioway, Sioux, Winnebago, and a portion of the Ottawa, Chippewa, and Potawottomie tribes of Indians, was made and concluded on the 19th day of August, one thousand eight hundred and twenty-five, at Prairie des Chiens, in the Territory of Michigan, by commissioners on the part of the United States, and certain chiefs and warriors of said nations, on the part and in behalf of said nations; which treaty is in the words following, to wit:

The United States of America have seen with much regret, that wars have for many years been carried on between the Sioux and the Chippewas, and more recently between the confederated tribes of Sacs and Foxes, and the Sioux; and also between the Ioways and Sioux; which, if not terminated, may extend to the other tribes, and involve the Indians upon the Missouri, the Mississippi, and the Lakes, in general hostilities. In order, therefore, to promote peace among these tribes, and to establish boundaries among them and the other tribes who live in their vicinity, and thereby to remove all causes of future difficulty, the United States have invited the Chippewa, Sac, and Fox, Menominie, Ioway, Sioux, Winnebago, and a portion of the Ottawa, Chippewa, and Potawatomie Tribes of Indians living upon the Illinois, to assemble together, and in a spirit of mutual conciliation to accomplish these objects; and to aid therein, have appointed William Clark and Lewis Cass, Commissioners on their part, who have met the Chiefs, Warriors, and Representatives of the said tribes, and portion of tribes, at Prairie des Chiens, in the Territory of Michigan, and after full deliberation, the said tribes, and portion of tribes, have agreed with the United States, and with one another, upon the following articles:

ARTICLE 1.

There shall be a firm and perpetual peace between the Sioux and Chippewas; between the Sioux and the confederated tribes of Sacs and Foxes; and between the Ioways and the Sioux.

ARTICLE 2.

It is agreed between the confederated Tribes of the Sacs and Foxes, and the Sioux, that the Line between their respective countries shall be as follows: Commencing at the mouth of the Upper Ioway River, on the west bank of the Mississippi, and ascending the said Ioway river, to its left fork; thence up that fork to its source; thence crossing the fork of Red Cedar River, in a direct line to the second or upper fork of the Desmoines river; and thence in a direct line to the lower fork of the Calumet river; and down that river to its juncture with the Missouri river. But the Yancton band of the Sioux tribe, being principally interested in the establishment of the line from the Forks of the Desmoines to the Missouri, and not being sufficiently represented to render the definitive establishment of that line proper, it is expressly declared that the line from the forks of the Desmoines to the forks of the Calumet river, and down that river to the Missouri, is not to be considered as settled until the assent of the Yankton band shall be given thereto. And if the said band should refuse their assent, the arrangement of that portion of the boundary line shall be void, and the rights of the parties to the country bounded thereby, shall be the same as if no provision had been made for the extension of the line west of the forks of the Desmoines. And the Sacs and Foxes relinquish to the tribes interested therein, all their claim to land on the east side of the Mississippi river.

ARTICLE 3.

The Ioways accede to the arrangement between the Sacs and Foxes, and the Sioux; but it is agreed between the Ioways and the confederated tribes of the Sacs and Foxes, that the Ioways have a just claim to a portion of the country between the boundary line described in the next preceding article, and the Missouri and Mississippi; and that the said Ioways, and Sacs and Foxs, shall peaceably occupy the same, until some satisfactory arrangement can be made between them for a division of their respective claims to country.

ARTICLE 4.

The Ottoes not being represented at this Council, and the Commissioners for the United States being anxious that justice should be done to all parties, and having reason to believe that the Ottoes have a just claim to a portion of the country upon the Missouri, east and south of the boundary line dividing the Sacs and Foxes and the Ioways, from the Sioux, it is agreed between the parties interested therein, and the United States, that the claim of the Ottoes shall not be affected by any thing herein contained; but the same shall remain as valid as if this treaty had not been formed.

ARTICLE 5.

It is agreed between the Sioux and the Chippewas, that the line dividing their respective countries shall commence at the Chippewa River, half a day's march below the falls; and from thence it shall run to Red Cedar River, immediately below the Falls; from thence to the St. Croix River, which it strikes at a place called the standing cedar, about a day's paddle in a canoe, above the Lake at the mouth of that river; thence passing between two lakes called by the Chippewas

"Green Lakes," and by the Sioux "the lakes they bury the Eagles in," and from thence to the standing Cedar, that "the Sioux Split," thence to Rum River, crossing it at the mouth of a small creek called choaking creek, a long day's march from the Mississippi; thence to a point of woods that projects into the prairie, half a day's march from the Mississippi, thence in a straight line to the mouth of the first river which enters the Mississippi on its west side above the mouth of Sac river; thence ascending the said river (above the mouth of Sac river) to a small lake at its source; thence in a direct line to a lake at the head of Prairie river, which is supposed to enter the Crow Wing river on its South side; thence to Otter-tail lake Portage; thence to said Otter tail lake, and down through the middle thereof to its outlet; thence in a direct line, so as to strike Buffalo river half way from its source to its mouth, and down the said river to Red River, thence descending Red river to the mouth of Outard or Goose creek: The eastern boundary of the Sioux commences opposite the mouth of Ioway river, on the Mississippi, runs back two or three miles to the bluffs, follows the bluffs, crossing Bad Axe river, to the mouth of Black river, and from Black river to half a day's march below the Falls of the Chippewa River.

Article 6.

It is agreed between the Chippewas and Winnebagoes, so far as they are mutually interested therein, that the southern boundary line of the Chippewa country shall commence on the Chippewa river aforesaid, half a day's march below the falls of that river, and run thence to the source of Clear Water river, a branch of the Chippewa; thence south to Black River; thence to a point where the woods project into the meadows, and thence to the Plover Portage of the Ouisconsin.

Article 7.

It is agreed between the Winnebagoes and the Sioux, Sacs and Foxes, Chippewas and Ottawas, Chippewas and Potawatomies of the Illinois, that the Winnebago country shall be bounded as follows: south easterly by Rock river, from its source near the Winnebago lake, to the Winnebago village, about forty miles above its mouth; westerly by the east line of the tract, lying upon the Mississippi, herein secured to the Ottawa, Chippewa and Potawatomie Indians of the Illinois; and also by the high bluff, described in the Sioux boundary, and running north to Black river; from this point the Winnebagoes claim up Black river, to a point due west from the source of the left fork of the Ouisconsin; thence to the source of the said fork, and down the same to the Ouisconsin; thence down the Ouisconsin to the portage, and across the portage to Fox river: thence down Fox river to the Winnebago lake, and to the grand Kan Kanlin, including in their claim the whole of Winnebago lake; but, for the causes stated in the next article, this line from Black river must for the present be left indeterminate.

Article 8.

The representatives of the Menominies not being sufficiently acquainted with their proper boundaries, to settle the same definitively, and some uncertainty existing in consequence of the cession made by that tribe upon Fox River and Green Bay, to the New York Indians, it is agreed between the said Menominie tribe, and the Sioux, Chippe-

was, Winnebagoes, Ottawa, Chippewa and Potawatomie Indians of the Illinois, that the claim of the Menominies to any portion of the land within the boundaries allotted to either of the said tribes, shall not be barred by any stipulation herein; but the same shall remain as valid as if this treaty had not been concluded. It is, however, understood that the general claim of the Menominies is bounded on the north by the Chippewa country, on the east by Green Bay and lake Michigan, extending as far south as Millawankee river, and on the West they claim to Black River.

ARTICLE 9.

The county secured to the Ottawa, Chippewa, and Potawatomie tribes of the Illinois, is bounded as follows: Beginning at the Winnebago village, on Rock river, forty miles from its mouth, and running thence down the Rock river to a line which runs from Lake Michigan to the Mississippi, and with that line to the Mississippi, opposite to Rock Island, thence up that river to the United States reservation, at the mouth of the Ouisconsin; thence with the south and east lines of the said reservation to the Ouisconsin; thence, southerly, passing the heads of the small streams emptying into the Mississippi, to the Rock river at the Winnebago village. The Illinois Indians have also a just claim to a portion of the country bounded south by the Indian boundary line aforesaid, running from the southern extreme of lake Michigan, east by lake Michigan, north by the Menominie country, and north-west by Rock river. This claim is recognised in the treaty concluded with the said Illinois tribes at St. Louis, August 24, 1816, but as the Millewakee and Manetoowalk bands are not represented at this Council, it cannot be now definitively adjusted.

ARTICLE 10.

All the tribes aforesaid acknowledge the general controling power of the United States, and disclaim all dependence upon, and connection with, any other power. And the United States agree to, and recognise, the preceding boundaries, subject to the limitations and restrictions before provided. It being, however, well understood that the reservations at Fever River, at the Ouisconsin, and St. Peters, and the ancient settlements at Prairie des Chiens and Green Bay, and the land properly thereto belonging, and the reservations made upon the Mississippi, for the use of the half breeds, in the treaty concluded with the Sacs and Foxes, August 24, 1824, are not claimed by either of the said tribes.

ARTICLE 11.

The United States agree, whenever the President may think it necessary and proper, to convene such of the tribes, either separately or together, as are interested in the lines left unsettled herein, and to recommend to them an amicable and final adjustment of their respective claims, so that the work, now happily begun, may be consummated. It is agreed, however, that a Council shall be held with the Yancton band of the Sioux, during the year 1826, to explain to them the stipulations of this treaty, and to procure their assent thereto, should they be disposed to give it, and also with the Ottoes, to settle and adjust their title to any of the country claimed by the Sacs, Foxes, and Ioways.

ARTICLE 12.

The Chippewa tribe being dispersed over a great extent of country, and the Chiefs of that tribe having requested that such portion of them as may be thought proper, by the Government of the United States, may be assembled in 1826, upon some part of Lake Superior, that the objects and advantages of this treaty may be fully explained to them, so that the stipulations thereof may be observed by the warriors, the Commissioners of the United States assent thereto, and it is therefore agreed that a council shall accordingly be held for these purposes.

ARTICLE 13.

It is understood by all the tribes, parties hereto, that no tribe shall hunt within the acknowledged limits of any other without their assent, but it being the sole object of this arrangement to perpetuate a peace among them, and amicable relations being now restored, the Chiefs of all the tribes have expressed a determination cheerfully to allow a reciprocal right of hunting on the lands of one another, permission being first asked and obtained, as before provided for.

ARTICLE 14.

Should any causes of difficulty hereafter unhappily arise between any of the tribes, parties hereunto, it is agreed that the other tribes shall interpose their good offices to remove such difficulties; and also that the government of the United States may take such measures as they may deem proper, to effect the same object.

ARTICLE 15.

This treaty shall be obligatory on the tribes, parties hereto, from and after the date hereof, and on the United States, from and after its ratification by the government thereof.

Done and signed and sealed at Prairie des Chiens, in the Territory of Michigan, this nineteenth day of August, one thousand eight hundred and twenty-five, and of the Independence of the United States the fiftieth.

WILLIAM CLARK.
LEWIS CASS.

SIOUX.

Wabasha x or the leaf,
Petette x Corbeau—little crow,
The Little x of the Wappitong tribe,
Tartunka-nasiah x Sussitong,
Sleepy Eyes x do.
Two faces x do.
French Crow x Wappacoota,
Kee-jee x do.
Tar-se-ga x do.
Wa-ma-de-tun-ka x black dog,
Wan-na-ta x Yanckton—or he that charges on his enemies,
Red Wing x
Ko-ko-ma-ko x
Sha-co-pe x the Sixth,
Pe-ni-si-on x

Les quatres gambes, x
Carimine, x the turtle that walks,
De-ca-ri, x
Wan-ca-ha-ga, x or snake's skin,
Sa-sa-ma-ni, x
Wa-non-che-qua, x the merchant,
Chon-que-pa, x or dog's head,
Cha-rat-chon, x the smoker,
Ca-ri-ca-si-ca, x he that kills the crow,
Watch-kat o-que, x the grand canoe,
Ho-wa-mick-a, x the little elk.

MANOMINIES.

Ma-can-me-ta, x medicine bear,
Chau-wee-nou-mi-tai, x medicine south wind,
Char-o-nee, x
Ma-wesh-a, x the little wolf
A-ya-pas-mis-ai, x the thunder that turns,
Cha-ne-pau, x the riband,
La-me-quon, x the spoon,
En-im-e-tas, x the barking wolf,
Pape-at, x the one just arrived,
O-que-men-ce, x the little chief.

CHIPAWAYS.

Shingauba x W'Ossin—1st Chief of the Chippawa Nation, Saut St. Marie,
Gitspee x Jiauba—2d Chief,
Gitspee x Waskee—or le bœuf of La Pointe Lake Superior,
Nain-a-boozho, x of La Pointe Lake Superior,
Monga, x Zid or Loons Foot of Fond du Lac,
Weescoup, x or Sucre of Fond du Lac.

Pee-see-ker x or buffaloe St. Croix band,
Nau-din, x or the wind St. Croix band,
Nau-quan-a-bee, x of Mille lac,
Tu-kau-bis-hoo, x or crouching lynk of Lac Courte Orielle,
The Red Devil x of Lac Courte Orielle,
The Track x of Sac Courte Orielle,
Ne-bo-na-bee, x the mermaid Sac Courte Orielle,
Pi-a-gick, the single man St. Croix,
Pu-in-a-ne-gi, x or the hole in the day Sandy Lake,
Moose o-mon-e, x plenty of elk St. Croix band,
Nees-o-pe-na, x or two birds of Upper Red Cedar Lake,
Shaata, x the pelican of Leech Lake,
Che-on-o-quet, x the great cloud of Leech Lake,
I-au-ben-see, x the little buck of Red Lake,
Kia-wa-tas, x the tarrier of Leech Lake,
Mau-ge-ga-bo, x the leader of Leech Lake,
Nan-go-tuck, x the flame of Leech Lake,
Nee-si-day-sish, x the sky of Red Lake,
Pee-chan-a-nim, x striped feather of Sandy Lake,
White Devil, x of Leech Lake,
Ka-ha-ka, x the sparrow Lac Courte Orielle,
I-au-be-ence, x little buck of Rice Lake,
Ca-ba-ma-bee, x the assembly of St. Croix,
Nau-gau-nosh, x the forward man Lake Flambeau,
Caw-win-dow, x he that gathers berries of Sandy Lake,
On-que-ess, x the mink Lake Superior,
Ke-we-ta-ke-pe, x all around the sky,
The-sees, x

OTTOWAS.

Chaboner, x or Chambly,
Shaw-fau-wick, x the mink.

POTTAWATOMIES.

Ignace, x
Ke-o-kuk, x
Che-chan-quose, x the little crane,
Taw-wa-na-nee, x the trader,

SOCS.

Na-o-tuk, x the stabbing Chief,
Pish-ken-au-nee, x All Fish,
Po-ko-nau-qua, x or broken arm,
Wau-kau-che, x eagle nose,
Quash-kaume, x jumping fish,
Ochaach, x the fisher,
Ke-o-kuck, x the watchful fox,
Skin-gwin-ee-see, x the ratler,
Was-ar-wis-ke-no, x the yellow bird,
Pau-ko-tuk, x the open sky,
Au-kaak,wan-e-suk, x he that vaults on the earth,
Mu-ku-taak-wan-wet, x
Mis-ke-bee, x the standing hair.

Kan-ka-mote, x
Neek-waa, x
Ka-tuck-e-kan-ka, x the fox with a spotted breast,
Mock-to-back-sa-gum, x black tobacco,
Wes-kesa, x the bear family.

IOWAS.

Ma-hos-ka, x the white cloud,
Pumpkin, x
Wa-ca-nee, x the painted medicine,
Tar-no-mun, x a great many deer,
Wa-hoo-ga, x the owl,
Ta-ca-mo-nee, x the lightning,
Wa-push-a, x the man killer,
To-nup-he-non-e, x the flea,
Mon-da-tonga, x
Cho-wa-row-a, x

Witnesses—
Thomas Biddle, Secretary,
R. A. W. Cabe, Capt. 5th Inf.
R. A. Forsyth,
N. Boilvin, U. S. Ind. Agt.
C. C. Trowbridge, Sub. Ind. Agent,
Henry R. Schoolcraft, U. S. Ind. Agent,
B. F. Harney, Surg. U. S. A.
W. B. Alexander, Sub. Ind. Agent,
Thomas Forsyth, Agent Ind. Aff.
Marvien Blondau,
David Bailey,
James M'Ilvaine, Lieut. U. S. Army,
Law. Taliaferro, Ind. Agt. for Upper Mississippi,
John Holiday,
William Dickson.

Treaty, do, in pursuance of the advice and consent of the Senate, as expressed by their Resolution of the second instant, ratify and confirm the same, and every clause and article thereof.

In testimony whereof, I have caused the Seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the City of Washington, this sixth day of February, one thousand eight hundred and twenty-six, and of the Independence of the United States the fiftieth.

JOHN QUINCY ADAMS.

By the President:
H. CLAY,
Secretary of State.

ANDREW JACKSON,

President of the United States of America,

To all and singular to whom these presents shall come, greeting:

Whereas a Treaty between the United States of America and the Confederated Tribes of the Sacs and Foxes; the Medawah-Kanton, Wahpacoota, Wahpeton and Sissetong Bands or Tribes of Sioux; the Omahas, Ioways, Ottoes, and Missourias, was made and concluded at Prairie-du-Chien, in the Territory of Michigan, on the fifteenth day of July in the year of our Lord one thousand eight hundred and thirty, and of the Independence of the United States, the fifty-fifth, by William Clark, Superintendent of Indian Affairs and Willoughby Morgan, Col. of the United States 1st Regt. Infantry, Commissioners on the part of the United States, and certain Deputations on the part of the Tribes aforesaid;—which Treaty is in the words following, to wit:

Articles of a Treaty made and concluded by William Clark Superintendent of Indian Affairs and Willoughby Morgan, Col. of the United States 1st Regt. Infantry, Commissioners on behalf of the United States on the one part, and the undersigned Deputations of the Confederated Tribes of the Sacs and Foxes; the Medawah-Kanton, Wahpacoota, Wahpeton and Sissetong Bands or Tribes of Sioux; the Omahas, Ioways, Ottoes and Missourias on the other part.

The said Tribes being anxious to remove all causes which may hereafter create any unfriendly feeling between them, and being also anxious to provide other sources for supplying their wants besides those of hunting, which they are sensible must soon entirely fail them; agree with the United States on the following Articles:

ARTICLE I. The said Tribes cede and relinquish to the United States forever all their right and title to the lands lying within the following boundaries, to wit: Beginning at the upper fork of the Demoine River, and passing the sources of the Little Sioux, and Floyds Rivers, to the fork of the first creek which falls into the Big Sioux or Calumet on the east side; thence, down said creek, and Calumet River to the Missouri River; thence down said Missouri River to the Missouri State line above the Kansas; thence along said line to the north west corner of the said State, thence to the high lands between the waters falling into the Missouri and Desmoines, passing to said high lands along the dividing ridge between the forks of the Grand River; thence along said high lands or

ridge separating the waters of the Missouri from those of the Demoine, to a point opposite the source of Boyer River, and thence in a direct line to the upper fork of the Demoine, the place of beginning. But it is understood that the lands ceded and relinquished by this Treaty, are to be assigned and allotted under the direction of the President of the United States, to the Tribes now living thereon, or to such other Tribes as the President may locate thereon for hunting, and other purposes.

ARTICLE II. The confederated Tribes of the Sacs and Foxes, cede and relinquish to the United States forever, a tract of Country twenty miles in width, from the Mississippi to the Demoine; situate south, and adjoining the line between the said confederated Tribes of Sacs and Foxes, and the Sioux; as established by the second article of the Treaty of Prairie du chien of the nineteenth of August one thousand eight hundred and twenty-five.

ARTICLE III. The Medawah-Kanton, Wah-pa-coota, Wah-peton and Sisseton Bands of the Sioux cede and relinquish to the United States forever, a Tract of Country twenty miles in width, from the Mississippi to the Demoine River, situate north, and adjoining the line mentioned in the preceding article.

ARTICLE IV. In consideration of the cessions and relinquishments made in the first, second, and third articles of this Treaty, the United States agree to pay to the Sacs, three thousand dollars,—and to the Foxes three thousand dollars;—To the Sioux of the Mississippi two thousand dollars;—To the Yancton and Santie Bands of Sioux three thousand dollars;—To the Omahas, two thousand five hundred dollars;—To the Ioways two thousand five hundred dollars; To the Ottoes and Missourias two thousand five hundred dollars, and to the Sacs of the Missouri River five hundred dollars; to be paid annually for ten successive years at such place, or places on the Mississippi or Missouri, as may be most convenient to said Tribes, either in money merchandize, or domestic animals, at their option, and when said annuities or any portion of them shall be paid in merchandize, the same is to be delivered to them at the first cost of the goods at St. Louis free of transportation. And the United States further agree to make to the said Tribes and Bands, the following allowances for the period of ten years, and as long thereafter as the President of the United States may think necessary and proper, in addition to the sums herein before stipulated to be paid them; that is to say; To the Bands of the Sioux mentioned in the third article, one Blacksmith at the expense of the United States, and the necessary tools; also instruments for agricultural purposes, and iron and steel to the amount of seven hundred dollars;—To the Yancton and Santie Bands of Sioux, one Blacksmith at the expense of the United States, and the necessary tools, also instruments for agricultural purposes to the amount of four hundred dollars; To the Omahas one Blacksmith at the expense of the United States, and the necessary tools, also instruments for agricultural purposes to the amount of five hundred dollars;—To the Ioways an assistant Blacksmith at the expense of the United States, also instruments for agricultural purposes to the amount of six hundred dollars; To the Ottoes and Missourias one Blacksmith at the expense of the United States, and the necessary tools, also instruments for agricultural purposes to the amount of five hundred dollars; and to the Sacs of the Missouri River, one Blacksmith at the expense of the United States and the necessary tools; also instruments for agricultural purposes to the amount of two hundred dollars.

ARTICLE V. And the United States further agree to set apart three

thousand dollars annually for ten successive years, to be applied in the discretion of the President of the United States, to the education of the children of the said Tribes and Bands, parties hereto.

ARTICLE VI. The Yanckton and Santie Bands of the Sioux not being fully represented, it is agreed, that if they shall sign this Treaty, they shall be considered as parties thereto, and bound by all its stipulations.

ARTICLE VII. It is agreed between the parties hereto, that the lines shall be run, and marked as soon as the President of the United States may deem it expedient.

ART. VIII. The United States agree to distribute between the several Tribes, parties hereto, five thousand, one hundred and thirty-two dollars worth of merchandize, the receipt whereof, the said Tribes hereby acknowledge; which, together with the amounts agreed to be paid, and the allowances in the fourth and fifth articles of this Treaty, shall be considered as a full compensation for the cession and relinquishments herein made.

ARTICLE IX. The Sioux Bands in Council having earnestly solicited that they might have permission to bestow upon the half breeds of their Nation, the tract of land within the following limits, to wit: Beginning at a place called the barn, below and near the village of the Red Wing Chief, and running back fifteen miles: thence in a parallel line with Lake Pepin and the Mississippi, about thirty-two miles to a point opposite Beef or O-Bouef River; thence fifteen miles to the Grand Encampment opposite the River aforesaid; The United States agree to suffer said half Breeds to occupy said tract of country; they holding by the same title, and in the same manner that other Indian Titles are held.

ARTICLE X. The Omahas, Ioways and Ottoes, for themselves, and in behalf of the Yanckton and Santie Bands of Sioux, having earnestly requested that they might be permitted to make some provision for their half-breeds, and particularly that they might bestow upon them the tract of country within the following limits, to wit; Beginning at the mouth of Little Ne-mohaw River, and running up the main channel of said River to a point which will be ten miles from its mouth in a direct line, from thence in a direct line, to strike the Grand Ne-mohaw ten miles above its mouth, in a direct line (the distance between the two Ne-mohaws being about twenty miles)–thence down said River to its mouth; thence up, and with the Meanders of the Missouri River to the point of beginning, it is agreed that the half-breeds of said Tribes and Bands may be suffered to occupy said tract of land; holding it in the same manner, and by the same title that other Indian titles are held: but the President of the United States may hereafter assign to any of the said half-breeds, to be held by him or them in fee simple, any portion of said tract not exceeding a section, of six hundred and forty acres to each individual. And this provision shall extend to the cession made by the Sioux in the preceding Article.

ARTICLE XI. The reservation of land mentioned in the preceding Article having belonged to the Ottoes, and having been exclusively ceded by them; it is agreed that the Omahas, the Iowas and the Yanckton and Santie Bands of Sioux shall pay out of their annuities to the said Otto Tribe, for the period of ten years, Three hundred Dollars annually; of which sum the Omahas shall pay one hundred Dollars, the Ioways one hundred Dollars, and the Yanckton and Santie Bands one hundred dollars.

ARTICLE XII. It is agreed that nothing contained in the foregoing

Articles shall be so construed as to affect any claim, or right in common, which has heretofore been held by any Tribes, parties to this Treaty, to any lands not embraced in the cession herein made; but that the same shall be occupied and held by them as heretofore.

ARTICLE XIII. This Treaty, or any part thereof, shall take effect, and be obligatory upon the Contracting parties, so soon as the same shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof.

Done and Signed and Sealed at Prairie du Chien in the Territory of Michigan, this fifteenth day of July, in the year of our Lord one thousand eight hundred and thirty, and of the Independence of the United States, the fifty-fifth.

WM. CLARK, *Su. In. Affairs, &*
WILLOUGHBY MORGAN,
Col. 1st Inft. U. S. A.
Commissioners.

In presence of
JNO. RULAND, *Secy to the Commrs.*

Jon. L. Bean, S. Agt,
Law. Taliaferro, Ind. Agent at St. Peters,
R. B. Mason, Capt. 1st Inft.
G. Loomis, Capt. 1st Inft.
James Peterson, Lt. & Adjt. H. B. M. 33d Regt.
N. S. Harris, Lt. & Adjt. Reg. U. S. Inft.
Henry Bainbridge, Lt. U. S. Army.
John Gale, Surg. U. S. A.
J. Archer, Lt. U. S. A.
J. Daugherty, Ind. Ag.
Thos A. Davies, Lt. Inf.
Wm. S. Williamson, Sub Ind. Agent,
And. S. Hughes, Sub Ind. Agent,
A. G. Baldwin, Lt. 3d Inf.
David D. Mitchell,
H. L. Donsman,
Pynkoop Warner,
Geo. Davenport,
Wm. Hempstead,
Benjamin Mills,
Wm. H. Warfield, Lt. 3d Infty.
Sam. R. Throokmoor,
John Connelly,
Amos Farror,
Antoine Le Claire, Int'r of Sacks and Fox.
Stephen Julian, U. S. Interp.
Jacques Mette, Int.
Michel Berda, his x mark, Mohow Inter.
S. Campbell, U. S. Interpreter.

Witnesses to the signatures of the Yancton and Santie Bands of Sioux, at Fort Tecumseh, Upper Missouri, on the fourth of September, 1830.

Wm. Gordon,
James Arch'd Hamilton,
David D. Mitchell,
Wm. Saidlau,
Jacob Halsey,

Witnesses present at the signing and acknowledgment of the Yanckton and Santie Deputations,

Jno. Ruland, Sec'y to Comm'rs.
Jon. L. Bean, Sub Ind. Ag't for Upper Missouri.
Felix F. Wain, Ind. Ag't for Sacs and Foxes.
John F. A. Sanford, U. S. S. Ind. Ag.
William C. Heyward, U. S. Army.
D. J. Royster, U. S. Inft.
Samuel Kinney, U. S. A.
Merewether Lewis Clark, 6th Regt. Infantry,
Jacques Mette,

SACS.

Mash-que-tai-paw, or Red-Head, x
Sheco-Calawko, or Turtle Shell, x
Kee-o-cuck, the Watchfull Fox, x
Poi-o-tahit, one that has no heart, x
Os-hays kee, Ridge, x
She-shee quanince, Little Gourd, x
O-saw-wish-canoe, Yellow Bird, x
I-onin, x
Am-oway, x
Niniwow-qua-saut, He that fears mankind, x
Chaukee Manitou, the Little Spirit, x
Moso-inn, the Scalp, x
Wapaw-chicannuck, Fish of the White Marsh, x
Mesico, Jic, x

FOXES.

Wapalaw, the Prince, x
Taweemin, Strawberry, x
Pasha-sakay, son of Piemanschie, x
Keewausette, he who climbs every where, x
Naw-mee, x
Appenioce, or the Grand Child, x
Waytee-mins, x
Nawayaw-cosi, x
Manquo-pwam, the Bear's hip, (Morgan.)
Kaw-Kaw-Kee, the Crow,
Mawcawtay-ee-quoiquenake, Black Neck, x
Watu-pawnonsh, x
Meshaw-nuaw-peetay, the Large teeth, x
Cawkee-Kamack, always Fish, x
Mussaw-wawquott, x

SIOUX OF THE MISSISSIPPI, MEDAWAKANTON BAND.

Wabishaw, or Red Leaf, x
Tchataqua Manie, or Little Crow, x
Waumunde-tunkar, the Great Calumet Eagle, x
Taco-coqui-pishnee, he that fears nothing, x
Wah-coo-ta, that shoots arrows, x
Pay-taw-whar, the fire owner, x
Kaugh Mohr, the Floating Log, x

E-taych-o-caw, Half Face, x
Anoug-genaje, one that stands on both sides, x
Hough-awppaw, the Eagle Head, x
Hooka-mooza, the Iron Limb, x
Hoatch-ah-čadoota, the Red Voice, x
Wat-chu-da, the Dancer, x

WAH-PAH-COOTA BAND

Wiarh-hoh-ha, French Crow, x
Shans-konar, Mooving Shadow, x
Ah-pe-hatar, the Grey Mane, x
Wahmedecaw-cahn-bohr, one that prays for the land, x
Wah-con-de-kah-har, the one that makes the lightning, x
Mazo-manie, or the Iron that Walks, x
Mah-kah-ke-a-munch, one that flies on the land, x
Mauzau-haut-a-mundee, the Walking Bell, x
Kah-hih, the Menominie, x

SUSSITON BAND.

Ete-tahken-bah, the Sleepy Eyes, x
Ho-toh-monie, groans when he walks, x

OMAHAHS.

Opau-tauga, or the Big Elk, x
Chonques-kaw, the White Horse, x
Tessan, the White Cow, x
Ishtan-mauzay, Iron-Eye, Chiefs Son, x
Waw-shin-ga-sau-bais, Black Bird, x
Waugh-pay-shan, the one who scalps but a small pt. from th
the crown of the head, x
Au-guim-an, the Chief, x
Age-en-gaw, the Wing, x
Non-bau-manie, the one that walks double, x

Tah-roh-ha, a good many deer, x
Wa-nau-quash-coonie, without fear, x
Pah-a-manie, one who walks on the snow, x
Pie-kan-ha-igne, the Little Star, x
Niayoo Manie, Walking Rain, x
Nautah-hoo, Burnt-wood, x
Pai-tansa, the White Crane, x

OTTOES.

I-atan, or Shaumanie-Cassan, or Prairie Wolf, x
Mehah-hun-jee, Second Daughter, x
Wawronesan, the Encircler, x
Kansau-tauga, the Big Kansas, x
Noe-kee se-kay, strikes two, x
Tchai-au-grai, the Shield, x
Manto-igne, the Little Bow, x.
Thee-rai-tchai-neehgrai, Wolf-tail at the heel, x
Oh-haw-kee-wano, that runs on the hills, x
Rai-grai-a, Speckled Turtle, x
Tchai-wah-tchee-ray, going by, x
Krai-taunica, the Hawk, x
Mauto-a Kee-pah, that meets the bear, x
Kai-wan-igne, Little Turtle, x

MISSOURIAS.

Eh-shaw-manie, or the one who walks laughing, x
Ohaw-tchee-Ke-Sakay, one who strikes the Little Osages, x
Wamshe-Katou-nat, the Great Man, x
Shoug-resh Kay, the Horse Fly, x
Tahmegrai-Soo-igne, Little Deer's dung, x

MISSOURI SACS.

Sau-kis-quoi-pee, x
She-she-quene, the Gourd, x
Nochewai-tasay, x
Mash-quaw-Siais, x
Nawai-yak-oosee, x
Wee-tay-main, one that goes with the rest, x

The assent of the Yanckton and Santie Bands of Sioux, to the foregoing Treaty is given. In testimony whereof, the Chiefs, Braves, and principal men of said Bands have hereunto signed their names and acknowledge the same, at St. Louis, this 13th October, 1830.

YANCTON AND SANTIE BANDS OF SIOUXS.

Matto-Sa-Becha, the Black Bear, x
Wa-con-okra, x
Pitta-eutapishna, he who dont eat Buffalo, x
To-ki-e-ton, the Stone with Horns, x
Cha-pon-ka, or Musquitoe, x

To-ki-mar-ne, he that walks ahead, x
Wock-ta-ken-dee, kills and comes back, x
Ha Sazza, x
Chigga Wah-shu-she, Little Brave, x
Wah-gho-num-pa, Cotton wood on the Neck, x
Zuyesaw, Warrior, x
Tokun Ohomenee, Rivolving Stone, x
Eta-ga-nush-kica, Mad Face, x
Womendee Dooter, Red War Eagle, x
Mucpea A-har-ka, Cloud Elk, x
To-ka-oh, Wounds the Enemy, x
Pd-ta sun eta womper, White Buffaloe with two faces, x
Cha-tun-kia, Sparrow Hawk, x
Ke-un-chun-ko, Swift Flyer, x
Ti-ha-uhar, he that carries his horn, x
Sin-ta-nomper, Two Tails, x
Wo-con Cashtaka, the whipt spirit, x
Ta Shena-pater, Fiery Blanket, x

Now, therefore, be it known, that I, Andrew Jackson, President of the United States of America, having seen and considered said Treaty, do, in pursuance of the advice and consent of the Senate, as expressed by their Resolution of the fifteenth of February, one thousand eight hundred and thirty-one, accept, ratify and confirm the same, and every clause and article thereof.

In testimony whereof, I have caused the seal of the United [L. S.] States to be hereunto affixed, having signed the same with my hand.

Done at the City of Washington, this twenty-fourth day of February, in the year of our Lord one thousand eight hundred and thirty-one, and of the Independence of the United States, the fifty-fifth.

ANDREW JACKSON.

By the President:
M. VAN BUREN,
Secretary of State.

CONVENTION WITH THE WAHPAAKOOTAH, SUSSETON, AND UPPER MEDAWAKANTON TRIBES OF SIOUX INDIANS.

In a convention held this thirtieth day of November 1836 between Lawrence Taliaferro, Indian Agent at St. Peters, and the chiefs, braves and principal men of the Wahpaakootah, Susseton, and Upper Medawakanton tribes of Sioux Indians, it has been represented, that according to the stipulations of the first article of the treaty of Prairie du Chien of the 15th of July, 1830, the country thereby ceded is "to be assigned and allotted under the direction of the President of the United States to the tribes now living thereon, or to such other tribes as the President may locate thereon for hunting and other purposes." And, whereas, it is further represented to us, the chiefs, braves and principal men of the tribes aforesaid, to be desirable, that the lands lying between the State of Missouri, and the Missouri River should be attached to, and become a part of said State, and the Indian title thereto be entirely extinguished; but that, notwithstanding, as these lands compose a part of the country embraced by the provisions of said first article of the treaty aforesaid, the stipulations thereof will be strictly observed until the assent of the Indians interested is given to the proposed measure.

Now we, the chiefs, braves and principal men of the Wahpaakootah, Susseton and Upper Medawakanton tribes of Sioux Indians, fully understanding the subject, and well satisfied from the local position of the lands in question that they can never be made available for Indian purposes, and that an attempt to place an Indian population on them must inevitably lead to collisions with the citizens of the United States; and further believing that the extension of the State line in the direction indicated, would have a happy effect, by presenting a natural boundary between the whites and Indians; and willing, moreover, to give the United States a renewed evidence of our attachment and friendship, do hereby for ourselves, and on behalf of our respective tribes (having full power and authority to this effect) forever cede, relinquish and quit claim to the United States all our right, title and interest of whatsoever nature in, and to, the lands lying between the State of Missouri, and the Missouri River, and do freely and fully exonerate the United States from any guarantee, condition or limitation, expressed or implied, under the treaty of Prairie du Chien, aforesaid, or otherwise, as to the entire and absolute disposition of said lands, fully authorizing the United States, to do with the same whatever shall seem expedient or necessary.

As a proof of the continued friendship and liberality of the United States towards the Wahpaakootah, Susseton, and Upper Medawakanton tribes of Sioux Indians, and as an evidence of the sense entertained for the good will manifested by said tribes to the citizens and Government of the United States, as evinced in the preceding cession or relinquishment, the undersigned agrees, on behalf of the United States, to cause said tribes to be furnished with presents to the amount of five hundred and fifty dollars *in goods*, the receipt of which is hereby acknowledged.

In testimony whereof, we have hereunto set our hands and seals, the day and year first above written.

LAW. TALIAFERRO.

SUSSETONS.

Ese-tah-ken-bah, or the Sleepy Eyes,
Kahe-maa-doh-kah, or the Male Rover,
Tunkah-munnee, or the Great Walker,
Hoh-wh-munnee, or the Walking Crier.

WAHPAAKOOTAS.

Tah-sau-ga, or the Cane,
Wahmaadee-sappah, or Black Eagle
Skushkahnah, or Moving Shadow,
Ahppaa-hoh-tah, or the Gray Mane.

UPPER MEDAWAKANTONS.

Wahkon-Tunkah, or the Big Thunder,
Wahmadee-tunkah, or Big Eagle,
Marcpeeah-mah-zah, or Iron Cloud,
Koc-ko-moc-ko, or Afloat,
Tah-chunk-pee-sappah, or the Black Tomahawk,
Marc-pee-wee-chas-tah, of Chief of the Clouds,

Tah-chunk-washtaa, of the Good Road,
Mah-zah-hoh-tah, or the Gray Iron,
Patah-eu-hah, or He that holds the Five.

Executed in presence of J. McClure, Lt. 1st Infy. S. M. Plummer, Lt. 1st Infy. J. N. Nicollet. Scott Campbell, U. S. Interpreter.
To the Indian names are subjoined marks.

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE SIOUX NATION OF INDIANS.

Concluded September 29, 1837—ratified June 15, 1838.

MARTIN VAN BUREN,

President of the United States of America.

To all and singular to whom these presents shall come, greeting:

Whereas, a treaty was made at the city of Washington, on the twenty-ninth day of September, one thousand eight hundred and thirty-seven, between Joel R. Poinsett, thereto specially authorized by the President of the United States, and certain chiefs and braves of the Sioux nation of Indians; which treaty is in the words following, to wit:

Articles of a treaty, made at the city of Washington, between Joel R Poinsett, thereto specially authorized by the President of the United States, and certain chiefs and braves of the Sioux nation of Indians.

ARTICLE 1st. The chiefs and braves representing the parties having an interest therein, cede to the United States all their land, east of the Mississippi river, and all their islands in the said river.

ARTICLE 2d. In consideration of the cession contained in the preceding article, the United States agree to the following stipulations on their part.

First: To invest the sum of $300,000 (three hundred thousand dollars) in such safe and profitable State stocks as the President may direct, and to pay to the chiefs and braves as aforesaid, annually, forever, an income of not less than five per cent. thereon; a portion of said interest, not exceeding one-third, to be applied in such manner as the President may direct, and the residue to be paid in specie, or in such other manner, and for such objects, as the proper authorities of the tribe may designate.

Second. To pay to the relatives and friends of the chiefs and braves, as aforesaid, having not less than one-quarter of Sioux blood, $110,000, (one hundred and ten thousand dollars,) to be distributed by the proper authorities of the tribe, upon principles to be determined by the chiefs and braves signing this treaty, and the War Department.

Third. To apply the sum of $90,000 (ninety thousand dollars) to the payment of just debts of the Sioux Indians, interested in the lands herewith ceded.

Fourth. To pay to the chiefs and braves, as aforesaid an annuity for twenty years of $10,000 (ten thousand dollars) in goods, to be purchased under the direction of the President, and delivered at the expense of the United States.

Fifth. To expend annually for twenty years, for the benefit of Sioux Indians, parties to this treaty, the sum of $8,250 (eight thousand two

hundred and fifty dollars) in the purchase of medicines, agricultural implements and stock, and for the support of a physician, farmers, and blacksmiths, and for other beneficial objects.

Sixth. In order to enable the Indians aforesaid to break up and improve their lands, the United States will supply, as soon as practicable, after the ratification of this treaty, agricultural implements, mechanics' tools, cattle, and such other articles as may be useful to them, to an amount not exceeding $10,000, (ten thousand dollars.)

Seventh. To expend annually, for twenty years, the sum of $5,500 (five thousand five hundred dollars) in the purchase of provisions, to be delivered at the expense of the United States.

Eighth. To deliver to the chiefs and braves signing this treaty, upon their arrival at St. Louis, $6,000 (six thousand dollars) in goods.

Ninth. To pay to Scott Campbell, the interpreter accompanying the delegation, in consideration of valuable services rendered by him to the Sioux, the sum of $450 (four hundred and fifty dollars) annually for twenty years.

ARTICLE 3d. It is further stipulated and agreed that the said Scott Campbell shall be secured in the quiet possession of the tract of land on the west side of the Mississippi, about one mile and a half below Fort Snelling, supposed to contain about five hundred acres, and upon which he now resides.

ARTICLE 4th. This treaty shall be binding on the contracting parties as soon as it shall be ratified by the United States.

In testimony whereof the said Joel R. Poinsett, and the undersigned chiefs and braves of the Sioux nation, have hereunto set their hands, at the city of Washington, this 29th day of September A. D. 1837.

J. R. POINSETT.

MEDAWAKANTONS.

Tah-tape-saah, The Upsetting Wind, his x mark.
Wah-keah-tun-kah, Big Thunder, his x mark.
Mah-zah-hoh-tah, Grey Iron, his x mark.
Tautunga-munne, Walking Buffalo, his x mark.
Tah-chunk-wash-taa, Good Road, his x mark.
Mare-pu-ah-nasiah, Standing Cloud, his x mark.
Koi-moko, Afloat, his x mark.
Mau-pu-wee-chastah, White Man, his x mark.
Mau-pu-ah-mah-zah, Iron Cloud, his x mark.
Eu-hah-kaakow, He that comes last, his x mark.
Mah-kuah-pah, he that shakes the Earth, his x mark.
Tah-mah-zah-hoh-wash-taa, The Iron of handsome voice, his x mark.
Watt-chu-dah, The Dancer, his x mark.
Mah-zah-tunkah, The Big Iron, his x mark.
Mau-po-koah-munnee, He that runs after the clouds, his x mark.
Tah-chunek-oh-dutah, The Red Road, his x mark.
Wasson-wee-chastish-nee, The Bad Hail, his x mark.
Hoe-yah-pah, the Eagle Head, his x mark.
Annon-ge-nasiah, He that Stands on Both Sides, his x mark.
Chaudus-kah-mumee, the Walking Circle, his x mark.
Tee-oh-du-tah, the Red Lodge, his x mark.

In presence of
Chauncey Bush, *Sec'ty.*
Mahlon Dickerson, *Sec'y. of the Navy.*

In presence of
W. J. Worth, *Lt. Colo.*
Geo W. Jones, *of Wis'n.*
Lau. Taliaferro, *U. S. agent at St. Peters.*
Wm. Hawley.
C. A. Harris, *Com. Ind. Aff'rs.*
S. Cooper, *Ch'f. cl'k. W. Dep.*
D. Kurtz, *Ch'f. cl'k. Ind. Office.*
Charles Calvert.
S. Campbell, *Interpreter.*

Now, therefore, be it known, that I, Martin Van Buren, President of the United States of America, having seen and considered the said treaty, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the eleventh day of June, one thousand eight hundred and thirty-eight, accept, ratify, and confirm the same, with the following amendment, viz:

"Strike out the ninth clause of the second article and the third article in the following words:

"*Ninth.* To pay to Scott Campbell, the Interpreter accompanying the delegation, in consideration of valuable services rendered by him to the Sioux, the sum of $450 four hundred and fifty dollars annually, for twenty years."

"ARTICLE 3d. It is stipulated and agreed that the said Scott Campbell shall be secured in the quiet possession of the tract of land on the west side of the Mississippi, about one mile and a half below Fort Snelling, supposed to contain about five hundred acres, and upon which he now resides."

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the city of Washington, this fifteenth day of June, one thou-
[L. S.] sand eight hundred and thirty-eight, and of the Independence of the United States the sixty-second.

M. VAN BUREN.

By the President:
JOHN FORSYTH,
Secretary of State.

TREATY BETWEEN THE UNITED STATES AND THE DAKOTA OR SIOUX INDIANS.

MILLARD FILLMORE,

President of the United States of America.

To all and singular to whom these presents shall come, greeting:

Whereas a Treaty was made and concluded at Mendota, in the territory of Minnesota, on the fifth day of August, one thousand eight hundred and fifty one, between the United States of America, by Luke Lea, Commissioner of Indian Affairs, and Alexander Ramsey, Governor and ex-officio Superintendent of Indian Affairs in said territory, acting as commissioners, and the Med-ay-wa-kan-toan and Wah-pay-

koo-tay bands of Dakota or Sioux Indians, which treaty is in the words following, to wit:

Articles of a treaty made and concluded at Mendota, in the territory of Minnesota, on the fifth day of August, eighteen hundred and fifty one, between the United States of America, by Luke Lea, Commissioner of Indian Affairs, and Alexander Ramsey, Governor and ex-officio Superintendent of Indian Affairs in said territory, commissioners duly appointed for that purpose, and the Med-ay-wa-kan-toan and Way-pay-koo-tay bands of Dakota and Sioux Indians.

ART. I. The peace and friendship existing between the United States and the Med-ay-wa-kan-toan and Wah-pay-koo-tay bands of Dakota or Sioux Indians, shall be perpetual.

ART. II. The said Med-ay-wa-kan-toan and Wah-pay-koo-tay bands of Indians do hereby cede and relinquish all their lands and all their right, title and claim to any lands whatever, in the territory of Minnesota, or in the state of Iowa.

ART. III. In part consideration of the foregoing cession and relinquishment, the United States do hereby set apart for the future occupancy and home of the Dakota Indians, parties to this treaty, to be held by them, as Indian lands are held, a tract of country of the average width of ten miles on either side of the Minnesota river, and bounded on the West by the Tchay-tam-bay and Yellow Medicine rivers, and on the East by the Little Rock river, and a line running due South from its mouth to the Waraju river; the boundaries of said tract to be marked out by as straight lines as practicable, whenever and in such manner as the President of the United States shall direct: Provided, that said tract shall be held and occupied by said bands in common, and that they shall hereafter participate equally and alike, in all the benefits derived from any former treaty between said bands or either of them, and the United States.

ART. IV. In further and full consideration of said cession and relinquishment, the United States agree to pay to said Indians the sum of one million four hundred and ten thousand dollars ($1,410,000,) at the several times, in the manner and for the purposes following, to wit:

1st. To the Chiefs of the said bands, to enable them to settle their affairs and comply with their present just engagements; and in consideration of their removing themselves to the country set apart for them as above (which they agree to do within one year after the ratification of this treaty, without further cost or expense to the United States) and in consideration of their subsisting themselves the first year after their removal (which they agree to do without further cost or expense on the part of the United States) the sum of two hundred and twenty thousand dollars ($220,000,) Provided, that said sum shall be paid, one half to the Chiefs of the Med-ay-wa-kan-toan band, and one half to the Chief and head men of the Wah-pay-koo-tay band, in such manner as they, hereafter, in open Council, shall respectively, request, and as soon after the removal of said Indians to the home set apart for them as the necessary appropriations therefor shall be made by Congress.

2d. To be laid out, under the direction of the President, for establishment of manual labor schools; the erection of mills and blacksmith shops, opening farms, fencing and breaking land, and for such other beneficial objects as may be deemed most conducive to the prosperity and hapiness of said Indians, thirty thousand dollars ($30,000).

The balance of said sum of one million four hundred and ten thou-

sand dollars ($1,410,000) to wit: One million, one hundred and sixty thousand dollars ($1,160,000,) to remain in trust with the United States, and five per cent interest thereon to be paid annually to said Indians for the period of fifty years, commencing on the first day of July, eighteen hundred and fifty (1852,) which shall be in full payment of said balance, principal and interest: said payments to be made and applied, under the direction of the President as follows, to wit:

3d. For a general agricultural improvement and civilization fund, the sum of twelve thousand dollars (12,000).

4th. For educational purposes, the sum of six thousand dollars, ($6000).

5th. for the purchase of goods and provisions, the sum of ten thousand dollars, ($10,000).

6th. For money annuity, the sum of thirty thousand dollars ($30,000).

ART. V. The entire annuity, provided for in the first section of the second article of the treaty of September twenty ninth, eighteen hundred and thirty seven (1837) including any unexpended balance that may be in the treasury on the first of July, eighteen hundred and fifty two (1852) shall thereafter be paid in money.

ART. VI. The laws of the United States prohibiting the introduction and sale of spirituous liquors in the Indian country shall be in full force and effect throughout the Territory hereby ceded and lying in Minnesota until otherwise directed by Congress or the President of the United States.

ART. VII. Rules and Regulations to protect the rights of persons and property among the Indians, parties to this Treaty, and adapted to their condition and wants, may be prescribed and enforced in such manner as the President or the Congress of the United States, from time to time, shall direct.

ART. VIII. The Half-Breeds of the Sioux Nation having failed and refused to avail themselves of the provisions for their benefit in the ninth and tenth articles of the treaty concluded at Prairie du Chien on the fifteenth of July, eighteen hundred and thirty, it is hereby agreed, at their request, that, in lieu of the tract of land set apart for the occupancy of said Half-Breeds there shall be paid to them, by the United States, under the direction of the President, the sum of one hundred and fifty thousand dollars ($150,000): Provided, that the non-ratification of this article shall, in no manner affect the other provisions of this Treaty.

In witness whereof, the said Luke Lea and Alexander Ramsey, Commissioners on the part of the United States and the undersigned Chiefs and Head men of the Med-ay-wa-kan-toan and Wah pay-koo-tay bands of Dakota or Sioux Indians, have hereunto set their hands, at Mendota, in the Territory of Minnesota, this fifth day of August, Anno Domini, one thousand eight hundred and fifty-one.

L. LEA.
ALEX. RAMSEY.

MED-AY-WA-KAN-TOANS.

Chief Ta-oya-te-duta, (his scarlet people, or "Little Crow.")
Headmen Wa-kan-o-zhan, (Sacred Light, or Medicine Bottle) his x mark.
" Tee-tchay, (Top of the Lodge or "Jim," or "Old Thad.") his x mark.
" Ta-tchan-h'pee-sa pa, (His "Black Tomahawk") his x mark.

Headmen Ma-ka-na-ho-toan-ma-nee, (At whose tread the earth resounds,) his x mark.
" H'-da-ee-yan-kay, (he runs rattling,) his x mark.
" Too-kan-a-hena-ma-nce, (Walker on the Medicine Boulders or Stones,) his x mark.
" Wa-m'dee-doo-ta, (Scarlet War Eagle,) his x mark.
" Na-ghee-yoo-shkan, (He moves the Ghosts or Shadows,) his x mark.
" Shoank'-a-ska, ("White Dog,") his x mark.
" Hoo-sa-nee-ghee, (one leg yellow or orange colored,) his x mark.
" Wa-keen-yan-wash-tay, ("Good Thunder,") his x mark.
Chief Wa-pa-sha, (The Standard, or "Red Leaf,") his x mark.
Headmen Wa-kan-hendee-o ta, (Many Lightnings,) his x mark.
" Tchan-h'pee-yoo-ka, (He has a war club,) his x mark.
" Heen-han-doo-ta, (Red Owl,) his x mark.
" Ma-ka-ka-ee-day, (He sets the Earth on fire,) his x mark.
" Ee-a-hee-herday, (He bursts out speaking,) his x mark.
Chief Wa-koo-tay, (The "Shooter,") his x mark.
Headmen Ma-h'pee-ya-ma-za, (Metal cloud,) his x mark.
" Ta-ma-za-ho-wash-tay, (his good iron voice,) his x mark.
" Ma-ka-ta-na-zheen, (He stands on the earth,) his x mark.
" Ee-wan-kam-ee-na-zhan, (He stands above,) his x mark.
" Wa-kan-ta-pay-ta, (The Spirits Fire,) his x mark.
" Na-ghee-mee tcha keetay, (He kills the Ghosts,) his x mark.
" Een-yan-sha-sha, (Red Stones,) his x mark.
" Ee-day-wa-kan, (Sacred Blaze), his x mark.
" Ta-sag-yay-ma-za, (His metal Staff,) his x mark.
Chief Ma-h'pee-mee-tchash-tay, (man of the sky,) his x mark.
Headmen Wee-tchan-h'pee, (The Star,) his x mark.
" Ta-tay-na-zhee-na, (Little standing Wind,) his x mark.
" Hoak-shee-dar-doo-ta, (Scarlet Boy,) his x mark.
" Am-pay-sho-ta, (Smoky Day,) his x mark.
" Ha-ha-ka-ma-za, (Metal Elk,) his x mark.
" Ta-tay-h'moo-he-ya-ya, ("Whistling Wind,") his x mark.
" Wa-pa-ma-nee, (He strikes walking,) his x mark.
" Ma-h'pee-ya-wa-kan, (Sacred Cloud,) his x mark.
" Ta-tchan-h'pee-ma-za, (His Iron War Club,) his x mark.
Chief Ma-za-ho-ta, (Gray Metal,) his x mark.
Headmen Wa-soo-mee-tchash-ta-shnee, (Wicked or "Bad Hail,") his x mark.
" Oan-ketay-hee-dan, (Little Water God or "Little Whale,") his x mark.
" Tcha-noon-pay-sa, (The Smoker,) his x mark.
" Ta-tay-to-kay-tcha, (Other wind,) his x mark.
" Ka-ho, (The Rambler about,) his x mark.
Chief Ta-tchan-koo-wash-tay, (Good Road,) his x mark.
Headmen Ta-tay-o-wo-teen-ma-nee, (Roaring Wind that walks) his x mark.
" O-yay-tchan-ma-nee, (Track Maker,) his x mark.
" Ta shoark-ay, (His Dog,) his x mark.
Chief Sha-k'pay, ("Six") his x mark.
Headmen A-no ghee ma-zheen, (He that stands on both sides) his x mark.
" Hoo-ya-pa, (Eagle Head,) his x mark.

Headmen Ta-tay-mee-na, (Round Wind,) his x mark.
" Ka-t'pan-t'pan-oo, (He comes pounding to pieces,) his x mark.
" Ma-h'pee-ya-henda-keen-yan, (Walking across a cloud,) his x mark.
" Wa-pee-ghee, (The orange red speckled cloud,) his x mark.
" Ma-za-wa-menoo-ha, (Gourd shell metal medicine rattle,) his x mark.
Chief Hay-ee-tcha-h'moo-ma-nee, (Horn whistling walking,) his x mark.
Headmen Pay-pay, (Sharp,) his x mark.
" Ta-wo-ta-way-doo ta, (His Scarlet Armor,) his x mark.
" Hay-pee, (Third Son,) his x mark.
" A-pay-ho-ta, (Grey mane or crest,) his x mark.
" Ho-tan-een, (His voice can be heard,) his x mark.
" Ma-h'pee-ya-shee-tcha, (Bad Cloud,) his x mark.
" Ta-wa-tcheen, (His mind,) his x mark.
" Han-yay-too-ko-kee-pa-pee, (Night which is feared,) his x mark.

In presence of—
Thomas Foster, Secretary.
Nathaniel McLean, Indian Agent.
Alexander Faribault, P. Prescott, G. H. Pond, } Interpreters.
David Olmsted.
W. C. Henderson.
Alexis Bailly.
Richard Chute.
A. Jackson.
A. L. Larpenteur.
W. H. Randall, Sr.
A. S. H. White,
H. L. Dousman.
Frederic B. Sibley.
Marten McLeod.
Geo. H. Faribault.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-third day of June one thousand eight hundred and fifty-two, amend the same by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
June 23d, 1852.

Resolved, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the Articles of a Treaty made and concluded at Mendota in the territory of Minnesota, on the fifth day of August, eighteen hundred and fifty-one, between the United States of America, by Luke Lea, Commissioner of Indian Affairs, and Alexander Ramsey, Governor and *ex-officio* Superintendent of Indian Affairs in said territory, commissioners duly appointed for that purpose, and the Med-ay-wa-kan-toan and Wah-pay-koo-tay bands of Dakota or Sioux Indians with the following:

AMENDMENTS:

Strike out the third article of the treaty and add the following supplemental article.

1st. The United States do hereby stipulate to pay the Sioux bands of Indians, parties to this treaty, at the rate of ten cents per acre, for the lands included in the reservation provided for in the third article of the treaty as originally agreed upon in the following words:

"ARTICLE III. In part consideration of the foregoing cession and relinquishment, the United States do hereby set apart for the future occupancy and home of the Dakota Indians, parties to this treaty, to be held by them as Indian lands are held, a tract of country of the average width of ten miles on either side of the Minnesota river, and bounded on the west by the Tchay-tam-bay and Yellow Medicine rivers, and on the east by the Little Rock river, and a line running due south from its mouth to the Waraju river; the boundaries of said tract to be marked out by as straight lines as practicable, whenever and in such manner as the President of the United States shall direct: Provided, That said tract shall be held and occupied by said bands in common, and that they shall hereafter participate equally and alike, in all the benefits derived from any former treaty between said bands, or either of them, and the United States," which article has been stricken out of the treaty by the Senate. The said payment to be in lieu of said reservation: the amount when ascertained under instructions from the Department of the Interior to be added to the trust fund provided for in the Fourth article.

2d. It is further stipulated, that the President be authorized, with the assent of the said bands of Indians, parties to this treaty, and as soon after they shall have given their assent to the foregoing article, as may be convenient, to cause to be set apart by appropriate land marks and boundaries, such tracts of country without the limits of the cession made by the First article of the treaty as may be satisfactory for their future occupancy and home: Provided, That the President may, by the consent of these Indians, vary the conditions aforesaid if deemed expedient.

Strike out of the treaty the following article.

ARTICLE VIII.

"The Half-Breeds of the Sioux nation having failed and refused to avail themselves of the provisions for their benefit in the ninth and tenth articles of the treaty concluded at Prairie Du Chien, on the 15th day of July, 1830, it is hereby agreed, at their request, that in lieu of the tract of land set apart for the occupancy of said Half-Breeds, there shall be paid to them by the United States, under the direction of the President, the sum of one hundred and fifty thousand dollars: ($150,000) Provided, That the non-ratification of this article shall in no manner affect the other provisions of this treaty."

Attest— ASBURY DICKINS,
Secretary.

And whereas, the said amendments having been submitted and explained to the said Med-ay-wa kan-toan and Wah-pay-koo-tay bands of Dakota or Sioux Indians, the said Indians did, on the fourth day of September, one thousand eight hundred and fifty-two, assent to the said treaty as amended by the Senate, in words following, to wit:

We, the undersigned, chiefs and head men of the Med-ay-wa-kan-toan and Wah-pay-koo-tay bands of Dakota or Sioux Indians, parties to the treaty made and concluded at Mendota, in the Territory of Minnesota, on the fifth day of August, eighteen hundred and fifty-one, confiding in the justice, liberality, and humanity of the President and the Congress of the United States, that such tracts of country will be set apart for our future occupancy and home as will be to us acceptable and satisfactory, do hereby give our free and voluntary assent to said treaty of August 5, 1851, as amended by the resolution of the Senate of the United States, on the twenty-third day of June, eighteen hundred and fifty-two, the same having been submitted to us by Alexander Ramsey, Superintendent of Indian Affairs for the territory of Minnesota, and Commissioner on the part of the United States, and fully and fairly explained by him to us in Council assembled.

In testimony whereof the undersigned, Chiefs and Headmen of the Med-ay-wa-kan-toan and Wah-pay-koo-tay bands of Dakota or Sioux Indians, have hereunto subscribed their names, in duplicate, at the office of the Superintendent of Indian Affairs, in the town of Saint Paul, Territory of Minnesota, this fourth day of September, eighteen hundred and fifty-two.

Wa pa-shaw, his x mark.
Ta-oya-te-duta,
Wa-koo-tay, (by his nephew,) his x mark.
Ta tchan-koo-wash-tay, his x mark.
Ma h'pee wa tchash-tay, his x mark.
Sha-'k-pay, his x mark.
Ma-za ho-ta, (by his brother,) his x mark.
We-tchan-h'pee, his x mark.
Hoo-shah-shah, his x mark.
Tchan-h'pee-yoo-ka, his x mark.
Wa-kan-hendee-o-ta, his x mark.
Heen-han-doo-ta, his x mark.
Wa-kan-o-zhan-zhan, his x mark.
Too-kan-a-hena-ma-nee, his x mark.
Wa-m'dee-doota, his x mark.
Hoo-ya-pa, his x mark.
Ta-ma-za-ho-wash-tay, his x mark.
Ma-ka-ta ne-na-zha, his x mark.
Ta-sa-gee-a-ma-zha, his x mark.
Mah-kah-to, his x mark.
Ta-tay-o-wo-teen-ma-nee, his x mark.
Ta-shoank-ay, his x mark.
O-no-ghee-na-zheen, his x mark.
Ee-wan-kam-ee-na-zheen, his x mark.
O tcho-kah-doo-tah, his x mark.
Hoch-shee dan-doo-tah, his x mark.
Ta-tay h'moo-he-ya-ya, his x mark.
Hay-pee-dah, his x mark.
Ta-tchan-koo, his x mark.
Wa-soo he-y'dah, his x mark.
Oan-kee-ta-hee-dan, his x mark.
Wa-soo-wee-tchasta-shnee, his x mark.
Tcha noon-pa-sa, his x mark.
Kah-hee-dah, his x mark.
Tee-tchay, his x mark.
Ta-tchan-h'pee-sa-pa, his x mark.

Ta-mo-hah, his x mark.
Na-pay-wa-kan-da-pay, his x mark.
Nah-pay-shnee, his x mark.
Ta-sha-kah, his x mark.
Wa-kan-dee-ka-ha, his x mark.
Wee-ohn-da, his x mark.
Ta-han-pee-doo-tah, his x mark.
Om-patoo-doo-tah, his x mark.
Pa-pay, his x mark.

Witness:
Henry M. Rice.
Philander Prescott, *U. S. Interpreter.*
Wallace B. White, *Secretary.*
C. L. Emerson.
Samuel John Findley.

The foregoing assent was signed in presence of myself, and the witnesses whose names are annexed.

ALEX. RAMSEY,
Commissioner.

Now, therefore, be it known that I, Millard Fillmore, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twenty third day of June, one thousand eight hundred and fifty-two, accept, ratify, and confirm the said treaty as amended.

In testimony whereof, I have caused the seal of the United States to be herewith affixed, having signed the same with my hand.

Done at the city of Washington this twenty-fourth day of February, in the year of our Lord one thousand eight hundred and fifty-
[SEAL] three, and of the Independence of the United States the seventy-seventh.

(Signed) MILLARD FILLMORE.

By the President:
(Signed) EDWARD EVERETT,
Secretary of State.

TREATY BETWEEN THE UNITED STATES AND THE MENDAWAKANTON AND WAHPAKOOTA BANDS OF DAKOTA OR SIOUX TRIBE OF INDIANS.

JAMES BUCHANAN,

President of the United States of America,

To all and singular to whom these presents shall come, greeting:

Whereas a treaty was made and concluded at the city of Washington, on the nineteenth day of June, one thousand eight hundred and fifty-eight, by Charles E Mix, commissioner on the part of the United States, and the following named chiefs and headmen of the Mendawakanton and Wahpakoota bands of the Dakota or Sioux tribe of Indians, viz: Wabashaw, Chetanakooamonee, Wasuhiyakidan, Shakopee, Wamindeetonkee, Muzzaojanjan, Tachunrpeemuz-za, Wakinyantowa, Chunrpiyuha, Onkeeterhidan, and Wamouisa, braves, on the part of the Mendawakantons, and Hushawshaw chiefs, and Papa and Tataebomdu, braves, on the part of the Wahpakootas, they being duly author-

ized and empowered to act for said bands; which treaty is in the words and figures following, to wit:

Articles of agreement and convention made and concluded at the city of Washington, on the nineteenth day of June, one thousand eight hundred and fifty-eight, by Charles E. Mix, commissioner, on the part of the United States, and the following named chiefs and headmen of the Mendawakanton and Wahpakoota bands of the Dakota or Sioux tribe of Indians, viz: Wabashaw, Chetanakooamonee, Washuhiyahidan, Shakopee, Wamindeetonkee, Muzzaojanjan, and Makawto, chiefs, and Hinhanduta, Ha-raka-Muzza, Wakanojanjan, Tachunrpee-muz-za, Wakinyantowa, Chunrpiyuha, Onkeeterhidan, and Wamouisa, braves, on the part of the Mendawakantons, and Hushaw-shaw, chief, and Pa-Pa and Tataebomdu, braves, on the part of the Wahpakootas, they being duly authorized and empowered to act for said bands.

ARTICLE 1. It is hereby agreed and stipulated that, as soon as practicable after the ratification of this agreement, so much of that part of the reservation or tract of land now held and possessed by the Mendawakanton and Wapakoota bands of the Dakota or Sioux Indians, and which is described in the third article of the treaty made with them on the fifth day of August, one thousand eight hundred and fifty-one, which lies south or southwestwardly of the Minnesota river, shall constitute a reservation for said bands, and shall be surveyed, and eighty acres thereof, as near as may be in conformity with the public surveys, be allotted in severalty to each head of a family or single person over the age of twenty-one years, in said bands of Indians, said allotments to be so made as to include a proper proportion of timbered lands, if the same be practicable, in each of said allotments. The residue of said part of said reservation not so allotted shall be held by said bands in common, and as other Indian lands are held: *Provided, however*, That eighty acres thereof, as near as may be, shall, in like manner as above provided for, be allotted to each of the minors of said bands on his or her attaining their majority, or on becoming heads of families by contracting marriage, if neither of the parties shall have previously received land.

All the necessary expenses of the surveys and allotments thus provided for shall be defrayed out of the funds of said bands of Indians in the hands of the government of the United States.

As the members of said bands become capable of managing their business and affairs, the President of the United States may, at his discretion, cause patents to be issued to them for the tracts of land allotted to them respectively, in conformity with this article; said tracts to be exempt from levy, taxation, sale, or forfeiture, until otherwise provided for by the legislature of the State in which they are situated, with the assent of Congress; nor shall they be sold or alienated in fee, or be in any other manner disposed of, except to the United States or to members of said bands.

ARTICLE 2. Whereas by the treaty with the Mendawakanton and Wahpakoota bands of Sioux Indians, concluded at Mendota on the fifth day of August, one thousand eight hundred and fifty-one, said bands retained for their "future occupancy and home," "to be held by them as Indian lands are held, a tract of country of the average width of ten miles on either side of the Minnesota river," extending from Little Rock river to the Tchatamba and Yellow Medicine rivers, which land was to "be held by said bands in common."

And whereas the Senate of the United States so amended said treaty as to strike therefrom the provision setting apart said land as a home for said bands, and made provision for the payment to said bands "at the rate of ten cents per acre for the lands included in the" said tract so reserved and set apart for the "occupancy and home" of said bands, and also provided, in addition thereto, that there should be "set apart, by appropriate landmarks and boundaries, such tracts of country without the limits of the cession made by the first article of the" said treaty as should "be satisfactory for their future occupancy and home," said Senate amendment providing also "that the President may, with the consent of these Indians, vary the conditions aforesaid, if deemed expedient;" all of which provisions in said amendment were assented to by said Indians.

And whereas the President so far varied the conditions of said Senate amendment as to permit said bands to locate for the time being upon the tract originally reserved by said bands for a home, and no "tracts of country without the limits of the cession" made in the said treaty has ever been provided for or offered to said bands.

And whereas by the "act making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes," approved July 31, 1854, the President was authorized to confirm to the Sioux of Minnesota forever the reserve on the Minnesota river now occupied by them, upon such conditions as he may deem just.

And whereas, although the President has not directly confirmed said reserve to said Indians, they claim that as they were entitled to receive "such tracts of country" as should "be satisfactory for their future accupancy and home," and as no such country has been provided for or offered to said bands, it is agreed and stipulated that the question shall be submitted to the Senate for decision whether they have such title; and if they have, what compensation shall be made to them for that part of said reservation or tract of land lying on the north side of the Minnesota river—whether they shall be allowed a specific sum of money therefor, and if so, how much, or whether the same shall be sold for their benefit, they to receive the proceeds of such sale, deducting the necessary expenses incident thereto. Such sale, if decided in favor of by the Senate, shall be made under and according to regulations to be prescribed by the Secretary of the Interior, and in such manner as will secure to them the largest sum it may be practicable to obtain for said land.

ARTICLE 3. It is also agreed that if the Senate shall authorize the land designated in article two of this agreement to be sold for the benefit of the said Mendawakanton and Wahpakoota bands, or shall prescribe an amount to be paid said bands for their interest in said tract, provision shall be made by which the chiefs and headmen of said bands may, in their discretion, in open council, authorize to be paid out of the proceeds of said tract such sum or sums as may be found necessary and proper, not exceeding seventy thousand dollars, to satisfy their just debts and obligations, and to provide goods to be taken by said chiefs and headmen to the said bands upon their return: *Provided, however*, That their said determinations shall be approved by the superintendent of Indian affairs for the northern superintendency for the time being, and the said payments be authorized by the Secretary of the Interior.

ARTICLE 4. The lands retained and to be held by the members of the Mendawakanton and Wahpakoota bands of the Dakota or Sioux Indians,

under and by virtue of the first article of this agreement, shall, to all intents and purposes whatever, be deemed and held to be an Indian reservation; and the laws which have been or may hereafter be enacted by Congress to regulate trade and intercourse with the Indian tribes shall have full force and effect over and within the limits of the same; and no person other than the members of the said bands, to be ascertained and defined under such regulations as the Secretary of the Interior shall prescribe, unless such as may be duly licensed to trade with said bands, or employed for their benefit, or members of the family of such persons, shall be permitted to reside or make any settlement upon any part of said reservation; and the timbered land allotted to individuals, and also that reserved for subsequent distribution as provided in the first article of this agreement, shall be free from all trespass, use, or occupation, except as hereinafter provided.

ARTICLE 5. The United States shall have the right to establish and maintain upon said reservation such military posts, agencies, schools, mills, shops, roads, and agricultural or mechanical improvements, as may be deemed necessary, but no greater quantity of land or timber shall be taken and used for said purposes than shall be actually requisite therefor. And if, in the establishment or maintenance of such posts, agencies, roads, or other improvements, the timber or other property of any individual Indian shall be taken, injured, or destroyed, just and adequate compensation shall be made therefor by the United States. Roads or highways authorized by competent authority other than the United States, the lines of which shall lie through said reservation, shall have the right of way through the same, upon the fair and just value of such right being paid to the said Mendawakanton and Wahpakoota bands by the party or parties authorizing or interested in the same, to be assessed and determined in such manner as the Secretary of the Interior shall direct.

ARTICLE 6. The Mendawakanton and Wahpakoota bands of Dakota or Sioux Indians acknowledge their dependence on the government of the United States, and do hereby pledge and bind themselves to preserve friendly relations with the citizens thereof, and to commit no injuries or depredations on their persons or property, nor on those of the members of any other tribe; but in case of any such injury or depredation, full compensation shall, as far as practicable, be made therefor out of their moneys in the hands of the United States; the amount in all cases to be determined by the Secretary of the Interior. They further pledge themselves not to engage in hostilities with the Indians of any other tribe unless in self-defense, but to submit, through their agent, all matters of dispute and difficulty between themselves and other Indians, for the decision of the President of the United States, and to acquiesce in and abide thereby. They also agree to deliver to the proper officers all persons belonging to their said bands who may become offenders against the treaties, laws, or regulations of the United States, or the laws of the State of Minnesota, and to assist in discovering, pursuing, and capturing all such offenders whenever required so to do by such officers, through the agent or other proper officer of the Indian department.

ARTICLE 7. To aid in preventing the evils of intemperance, it is hereby stipulated that if any of the members of the said Mendawakanton and Wahpakoota bands of Sioux Indians shall drink, or procure for others, intoxicating liquors, their proportion of the annuities of said bands shall, at the discretion of the Secretary of the Interior, be withheld from them for the period of at least one year; and for a violation

of any of the stipulations of this agreement on the part of any members of said bands, the persons so offending shall be liable to have their annuities withheld and to be subject to such other punishment as the Secretary of the Interior may prescribe.

ARTICLE 8. Such of the stipulations of former treaties as provided for the payment of particular sums of money to the said Mendawakanton and Wahpakoota bands, or for the application and expenditure of specific amounts for particular objects or purposes, shall be, and hereby are, so amended and changed as to invest the Secretary of the Interior with discretionary power in regard to the manner and objects of the annual expenditure of all such sums or amounts which have accrued and are now due to said bands, together with the amount the said bands shall become annually entitled to under and by virtue of the provisions of this agreement: *Provided*, The said sums or amounts shall be expended for the benefit of said bands at such time or times and in such manner as the said Secretary shall deem best calculated to promote their interests, welfare, and advance in civilization. And it is further agreed, that such change may be made in the stipulations of former treaties which provide for the payment of particular sums for specified purposes, as to permit the chiefs and braves of said bands or any of the subdivisions of said bands, with the sanction of the Secretary of the Interior, to authorize such payment or expenditure of their annuities, or any portion thereof, which are to become due hereafter, as may be deemed best for the general interests and welfare of the said bands or subdivisions thereof.

ARTICLE 9. As the Senate struck from the treaty with the Mendawakanton band of Sioux of the twenty-ninth day of September, one thousand eight hundred and thirty-seven, the ninth clause of the second article and the whole of the third article of said treaty, which provided for the payment of four hundred and fifty (450) dollars annually, for twenty years, to Scott Campbell, and confirmed to the said Scott Campbell a title to five hundred (500) acres of land which he then occupied, said payment and land being deemed by said Indians to form a part of the consideration for which they ceded to the United States a certain tract of land in said treaty specified, which reduction, in the consideration for said land, has never been sanctioned by said Indians, the said Mendawakantons and Wahpakoota bands now request that provision be made for the payment of the sum of ten thousand (10,000) dollars to A. J. Campbell, the son of said Scott Campbell, now deceased, in full consideration of the money stipulated to be paid and land confirmed to said Scott Campbell in the original draft of said treaty aforesaid; which subject is hereby submitted to the Senate for its favorable consideration.

ARTICLE 10. The expenses attending the negotiation of this agreement shall be defrayed by the United States.

In testimony whereof, the said Charles E. Mix, Commissioner, as aforesaid, and the undersigned chiefs and headmen of the said Mendawakanton and Wahpakoota bands, have hereunto set their hands and seals at the place and on the day first above written.

CHARLES E. MIX, *Commissioner*. [L. S.]

Wa-bash-aw, his x mark. [L. S.]
Che-tan-a-koo-a-mo-nee, (Little Crow,) his x mark. [L. S.]
Wa-su-hi-ya-hi-dan, his x mark. [L. S.]
Sha-ko-pee, (Six,) his x mark. [L. S.]
Wa-min-dee-ton-kee, (Large War Eagle,) his x mark. [L. S.]
Muz-za-o-jan-jan, (Iron Light,) his x mark. [L. S.]

Ma-kaw-to, (Blue Earth), his x mark. [L. S.]
Hu-shaw-shaw, (Red Legs,) his x mark. [L. S.]
Hin-han-du ta, (Scarlet Owl,) his x mark. [L. S.]
Ha-raka-Muz-za, (Iron Elk,) his x mark. [L. S.]
Wu ka-no-jan-jan, (Medicine Light,) his x mark. [L. S.]
Ta-chunr-pee Muzza, (His Iron War Club,) his x mark. [L. S.]
Wa-kin-yan-to-wa, (Owns the Thunder,) his x mark. [L. S.]
Chunr-pi-you-ha, (Has a War Club,) his x mark. [L. S.]
On kee-ter-hi-dan, (Little Whale,) his x mark. [L. S.]
Wa-mo-u-i-sa, (The Thief,) his x mark. [L. S.]
Pa-Pa, (Sharp,) his x mark. [L. S.]
Ta-ta-i-bom-du, (Scattering Wind,) his x mark. [L. S.]

Signed, sealed and delivered in presence of—
Joseph R. Brown, *Sioux Agent.*
A. J. Campbell, *Interpreter.*
N. R. Brown.
A. Robertson.
Jonh Dowling.
James R. Roche.
B. D. Hyam.
H. J. Myrick.
Thos. A. Robertson.
Fr. Schmidt.

And, whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the ninth day of March, one thousand eight hundred and fifty-nine, advise and consent to the ratification of the same by a resolution in the words and figures following, to wit:

"IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
"*March 9, 1859.*

"*Resolved*, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded on the 19th day of June, 1858, with the Mendawakanton and Wapakoota bands of the Dakota or Sioux Indians.

"Attest: "ASBURY DICKINS, *Secretary.*"

Now, therefore, be it known that I, James Buchanan, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of March the ninth, one thousand eight hundred and fifty-nine, accept, ratify, and confirm said treaty and supplementary articles.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

Done at the city of Washington, this thirty-first day of March, in the year of our Lord one thousand eight hundred and fifty-nine, and of the independence of the United States the eighty-third.

[SEAL.] JAMES BUCHANAN.

By the President:
LEWIS CASS, *Secretary of State.*

TREATY BETWEEN THE UNITED STATES OF AMERICA AND DIFFERENT TRIBES OF SIOUX INDIANS.

Concluded April 29, et seq., 1868; ratification advised February 16, 1869; proclaimed February 24, 1869.

ANDREW JOHNSON,

President of the United States of America,

To all and singular to whom these presents shall come, greeting:

Whereas a Treaty was made and concluded at Fort Laramie, in the Territory of Dakota, [now in the Territory of Wyoming,] on the twenty-ninth day of April, and afterwards, in the year of our Lord one thousand eight hundred and sixty-eight, by and between Nathaniel G. Taylor, William T. Sherman, William S. Harney, John B. Sanborn, S. F. Tappan, C. C. Augur, and Alfred H. Terry, Commissioners, on the part of the United States, and Ma-za-pon-kaska, Tah-shun-ka-co-qui-pah, Heh-won-ge-chat, Mah-to-non-pah, Little Chief, Makh-pi-ah-lu-tah, Co-cam-i-ya-ya, Con-te-pe-ta, Ma-wa-tau-ni-hav-ska, He-na-pin-wa-ni-ca, Wah-pah-shaw, and other Chiefs and Headmen of different tribes of Sioux Indians, on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Articles of a Treaty made and concluded by and between Lieutenant General William T. Sherman, General William S. Harney, General Alfred H. Terry, General C. C. Augur, J. B. Henderson, Nathaniel G. Taylor, John B. Sanborn, and Samuel F. Tappan, duly appointed commissioners on the part of the United States, and the different bands of the Sioux Nation of Indians, by their chiefs and headmen, whose names are hereto subscribed, they being duly authorized to act in the premises.

ARTICLE I.

From this day forward all war between the parties to this agreement shall forever cease. The government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they now pledge their honor to maintain it.

If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington city, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States, and at peace therewith, the Indians herein named solemnly agree that they will, upon proof made to their agent and notice by him, deliver up the wrong-doer to the United States, to be tried and punished according to its laws; and in case they willfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgment may

be proper. But no one sustaining loss while violating the provisions of this treaty or the laws of the United States shall be reimbursed therefor.

ARTICLE II.

The United States agrees that the following district of country, to wit, viz: commencing on the east bank of the Missouri river where the forty-sixth parallel of north latitude crosses the same, thence along low-water mark down said east bank to a point opposite where the northern line of the State of Nebraska strikes the river, thence west across said river, and along the northern line of Nebraska to the one hundred and fourth degree of longitude west from Greenwich, thence north on said meridian to a point where the forty-sixth parallel of north latitude intercepts the same, thence due east along said parallel to the place of beginning; and in addition thereto, all existing reservations on the east bank of said river shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons except those herein designated and authorized so to do, and except such officers, agents, and employés of the government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, or in such territory as may be added to this reservation for the use of said Indians, and henceforth they will and do hereby relinquish all claims or right in and to any portion of the United States or Territories, except such as is embraced within the limits aforesaid, and except as hereinafter provided.

ARTICLE III.

If it should appear from actual survey or other satisfactory examination of said tract of land that it contains less than one hundred and sixty acres of tillable land for each person who, at the time, may be authorized to reside on it under the provisions of this treaty, and a very considerable number of such persons shall be disposed to commence cultivating the soil as farmers, the United States agrees to set apart, for the use of said Indians, as herein provided, such additional quantity of arable land, adjoining to said reservation, or as near to the same as it can be obtained, as may be required to provide the necessary amount.

ARTICLE IV.

The United States agrees, at its own proper expense, to construct at some place on the Missouri river, near the centre of said reservation, where timber and water may be convenient, the following buildings, to wit: a warehouse, a storeroom for the use of the agent in storing goods belonging to the Indians, to cost not less than twenty-five hundred dollars; an agency building for the residence of the agent, to cost not exceeding three thousand dollars; a residence for the physician, to cost not more than three thousand dollars; and five other buildings, for a carpenter, farmer, blacksmith, miller, and engineer, each to cost not exceeding two thousand dollars; also a school-house or mission building, so soon as a sufficient number of children can be induced by

the agent to attend school, which shall not cost exceeding five thousand dollars.

The United States agrees further to cause to be erected on said reservation, near the other buildings herein authorized, a good steam circular saw-mill, with a grist-mill and shingle machine attached to the same, to cost not exceeding eight thousand dollars.

ARTICLE V.

The United States agrees that the agent for said Indians shall in the future make his home at the agency building; that he shall reside among them, and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by and against the Indians as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined on him by law. In all cases of depredation on person or property he shall cause the evidence to be taken in writing and forwarded, together with his findings, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty.

ARTICLE VI.

If any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation, not exceeding three hundred and twenty acres in extent, which tract when so selected, certified, and recorded in the "land book," as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

For each tract of land so selected a certificate, containing a description thereof and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it, by the agent, after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Sioux Land Book."

The President may, at any time, order a survey of the reservation, and, when so surveyed, Congress shall provide for protecting the rights of said settlers in their improvements, and may fix the character of the title held by each. The United States may pass such laws on the subject of alienation and descent of property between the Indians and their descendants as may be thought proper. And it is further stipulated that any male Indians over eighteen years of age, of any band or tribe that is or shall hereafter become a party to this treaty, who now is or who shall hereafter become a resident or occupant of any reservation or territory not included in the tract of country designated and described in this treaty for the permanent home of the Indians, which is not mineral land, nor reserved by the United States for spe-

cial purposes other than Indian occupation, and who shall have made improvements thereon of the value of two hundred dollars or more, and continuously occupied the same as a homestead for the term of three years, shall be entitled to receive from the United States a patent for one hundred and sixty acres of land including his said improvements, the same to be in the form of the legal subdivisions of the surveys of the public lands. Upon application in writing, sustained by the proof of two disinterested witnesses, made to the register of the local land office when the land sought to be entered is within a land district, and when the tract sought to be entered is not in any land district, then upon said application and proof being made to the Commissioner of the General Land Office, and the right of such Indian or Indians to enter such tract or tracts of land shall accrue and be perfect from the date of his first improvements thereon, and shall continue as long as he continues his residence and improvements, and no longer. And any Indian or Indians receiving a patent for land under the foregoing provisions shall thereby and from thenceforth become and be a citizen of the United States and be entitled to all the privileges and immunities of such citizens, and shall, at the same time, retain all his rights to benefits accruing to Indians under this treaty.

ARTICLE VII.

In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as are or may be settled on said agricultural reservations, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for not less than twenty years.

ARTICLE VIII.

When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, not exceeding in value one hundred dollars, and for each succeeding year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid, not exceeding in value twenty-five dollars.

And it is further stipulated that such persons as commence farming shall receive instruction from the farmer herein provided for, and whenever more than one hundred persons shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron, steel, and other material as may be needed.

ARTICLE IX.

At any time after ten years from the making of this treaty, the United States shall have the privilege of withdrawing the physician, farmer, blacksmith, carpenter, engineer, and miller herein provided

for, but in case of such withdrawal, an additional sum thereafter of ten thousand dollars per annum shall be devoted to the education of said Indians, and the Commissioner of Indian Affairs shall, upon careful inquiry into their condition, make such rules and regulations for the expenditure of said sum as will best promote the educational and moral improvement of said tribes.

ARTICLE X.

In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under any treaty or treaties heretofore made, the United States agrees to deliver at the agency house on the reservation herein named, on [or before*] the first day of August of each year, for thirty years, the following articles, to wit:

For each male person over fourteen years of age, a suit of good substantial woollen clothing, consisting of coat, pantaloons, flannel shirt, hat, and a pair of home-made socks.

For each female over twelve years of age, a flannel skirt, or the goods necessary to make it, a pair of woollen hose, twelve yards of calico, and twelve yards of cotton domestics.

For the boys and girls under the ages named, such flannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woollen hose for each.

And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians, on which the estimate from year to year can be based.

And in addition to the clothing herein named, the sum of ten dollars for each person entitled to the beneficial effects of this treaty shall be annually appropriated for a period of thirty years, while such persons roam and hunt, and twenty dollars for each person who engages in farming, to be used by the Secretary of the Interior in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper. And if within the thirty years, at any time, it shall appear that the amount of money needed for clothing under this article can be appropriated to better uses for the Indians named herein, Congress may, by law, change the appropriation to other purposes; but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named. And the President shall annually detail an officer of the army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery. And it is hereby expressly stipulated that each Indian over the age of four years, who shall have removed to and settled permanently upon said reservation and complied with the stipulations of this treaty, shall be entitled to receive from the United States, for the period of four years after he shall have settled upon said reservation, one pound of meat and one pound of flour per day, provided the Indians cannot furnish their own subsistence at an earlier date. And it is further stipulated that the United States will furnish and deliver to each lodge of Indians or family of persons legally incorporated with them, who shall remove to the reservation herein described and commence farming, one good American cow, and one good well-broken pair of American oxen within sixty days after such lodge or family shall have so settled upon said reservation.

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* The words "or before," are inserted with black pencil.

ARTICLE XI.

In consideration of the advantages and benefits conferred by this treaty and the many pledges of friendship by the United States, the tribes who are parties to this agreement hereby stipulate that they will relinquish all right to occupy permanently the territory outside their reservation as herein defined, but yet reserve the right to hunt on any lands north of North Platte, and on the Republican Fork of the Smoky Hill river, so long as the buffalo may range thereon in such numbers as to justify the chase. And they, the said Indians, further expressly agree:

1st. That they will withdraw all opposition to the construction of the railroads now being built on the plains.

2d. That they will permit the peaceful construction of any railroad not passing over their reservation as herein defined.

3d. That they will not attack any persons at home, or travelling, nor molest or disturb any wagon trains, coaches, mules, or cattle belonging to the people of the United States, or to persons friendly therewith.

4th. They will never capture, or carry off from the settlements, white women or children.

5th. They will never kill or scalp white men, nor attempt to do them harm.

6th. They withdraw all pretence of opposition to the construction of the railroad now being built along the Platte river and westward to the Pacific ocean, and they will not in future object to the construction of railroads, wagon roads, mail stations, or other works of utility or necessity, which may be ordered or permitted by the laws of the United States. But should such roads or other works be constructed on the lands of their reservation, the government will pay the tribe whatever amount of damage may be assessed by three disinterested commissioners to be appointed by the President for that purpose, one of said commissioners to be a chief or headman of the tribe.

7th. They agree to withdraw all opposition to the military posts or roads now established south of the North Platte river, or that may be established, not in violation of treaties heretofore made or hereafter to be made with any of the Indian tribes.

ARTICLE XII.

No treaty for the cession of any portion or part of the reservation herein described which may be held in common, shall be of any validity or force as against the said Indians unless executed and signed by at least three-fourths of all the adult male Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him, as provided in article VI of this treaty.

ARTICLE XIII.

The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths, as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

ARTICLE XIV.

It is agreed that the sum of five hundred dollars annually, for three years from date, shall be expended in presents to the ten persons of said tribe who in the judgment of the agent, may grow the most valuable crops for the respective year.

ARTICLE XV.

The Indians herein named agree that when the agency house and other buildings shall be constructed on the reservation named, they will regard said reservation their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right, subject to the conditions and modifications of this treaty, to hunt, as stipulated in Article XI hereof.

ARTICLE XVI.

The United States hereby agrees and stipulates that the country north of the North Platte river and east of the summits of the Big Horn mountains shall be held and considered to be unceded Indian territory, and also stipulates and agrees that no white person or persons shall be permitted to settle upon or occupy any portion of the same; or without the consent of the Indians, first had and obtained, to pass through the same; and it is further agreed by the United States, that within ninety days after the conclusion of peace with all the bands of the Sioux nation, the military posts now established in the territory in this article named shall be abandoned, and that the road leading to them and by them to the settlements in the Territory of Montana shall be closed.

ARTICLE XVII.

It is hereby expressly understood and agreed by and between the respective parties to this treaty that the execution of this treaty and its ratification by the United States Senate shall have the effect, and shall be construed as abrogating and annulling all treaties and agreements heretofore entered into between the respective parties hereto, so far as such treaties and agreements obligate the United States to furnish and provide money, clothing, or other articles of property to such Indians and bands of Indians as become parties to this treaty, but no further.

In testimony of all which, we, the said commissioners, and we, the chiefs and headmen of the Brulé band of the Sioux nation, have hereunto set our hands and seals at Fort Laramie, Dakota Territory, this twenty-ninth day of April, in the year one thousand eight hundred and sixty-eight.

N. G. TAYLOR, [SEAL.]
W. T. SHERMAN, [SEAL.]
Lt. Genl.
WM. S. HARNEY, [SEAL.]
Bvt. Maj. Gen. U. S. A.
JOHN B. SANBORN, [SEAL.]
S. F. TAPPAN, [SEAL.]
C. C. AUGUR, [SEAL.]
Bvt. Maj. Genl.
ALFRED H. TERRY, [SEAL.]
Bvt. M. Gen. U. S. A.

Attest:
A. S. H. WHITE, *Secretary.*

Executed on the part of the Brulé band of Sioux by the chiefs and headmen whose names are hereto annexed, they being thereunto duly authorized, at Fort Laramie, D. T., the twenty-ninth day of April, in the year A. D. 1868.

Ma-za-pon kaska, his x mark, Iron Shell.	[SEAL.]
Wah pat-shah, his x mark, Red Leaf.	[SEAL.]
Hah-sah-pah, his x mark, Black Horn.	[SEAL.]
Zin-tah-gah-lat-skah, his x mark, Spotted Tail.	[SEAL.]
Zin-tah-skah, his x mark, White Tail.	[SEAL.]
Me-wah-tah-ne-ho skah, his x mark, Tall Mandas.	[SEAL.]
She-cha-chat-kah, his x mark, Bad Left Hand.	[SEAL.]
No-mah-no-pah, his x mark, Two and Two.	[SEAL.]
Tah-tonka-skah, his x mark, White Bull.	[SEAL.]
Con ra-washta, his x mark, Pretty Coon.	[SEAL.]
Ha-cah-cah-she-chah, his x mark, Bad Elk.	[SEAL.]
Wa-ha-ka-zah-ish-tah, his x mark, Eye Lance.	[SEAL.]
Ma-to-ha-ke-tah, his x mark, Bear that looks behind.	[SEAL.]
Beila-tonka-tonka, his x mark, Big Partisan.	[SEAL.]
Mah-to-ho honka, his x mark, Swift Bear.	[SEAL.]
To-wis-ne, his x mark, Cold Place.	[SEAL.]
Ish-tah-skah, his x mark, White Eyes.	[SEAL.]
Ma ta-loo-zah, his x mark, Fast Bear.	[SEAL.]
As-hah-kah-nah-zhe, his x mark, Standing Elk	[SEAL.]
Can-te-te-ki-ya, his x mark, The Brave Heart.	[SEAL.]
Shunka-shaton, his x mark, Day Hawk.	[SEAL.]
Tatanka-Waton, his x mark, Sacred Bull.	[SEAL.]
Mapia Shaton, his x mark, Hawk Cloud.	[SEAL.]
Ma-sha-a-ow, his x mark, Stands and Comes.	[SEAL.]
Shon-ka-ton-ka, kis x mark, Big Dog.	[SEAL.]

Attest:

Ashton S. H. White, *Secretary of Commission.*
George B. Withs, *Phonographer to Commission.*
Geo. H. Holtzman.
John D. Howland.
James C. O'Connor.
Chas. E. Guern, *Interpreter.*
Leon F. Pallardy, *Interpreter.*
Nicholas Janis, *Interpreter.*

Executed on the part of the Ogallalah band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized, at Fort Laramie, the twenty-fifth day of May, in the year A. D. 1868.

Tah-shun-ka-co-qui-pah, his x mark, Man-afraid-of-his-horses.	[SEAL.]
Sha-ton skah, his x mark, White Hawk.	[SEAL.]
Sha-ton-sapah, his x mark, Black Hawk.	[SEAL.]
E-ga-mon-ton-ka-sapah, his x mark, Black Tiger.	[SEAL.]
Oh-wah-she-cha, his x mark, Bad Wound.	[SEAL.]
Pah-gee, his x mark, Grass.	[SEAL.]
Wah-non-reh-che-geh, his x mark, Ghost Heart.	[SEAL.]
Con-reeh, his x mark, Crow.	[SEAL.]
Oh-he-te-kah, his x mark, The Brave.	[SEAL.]
Tah-ton-kah-he-yo-ta-kah, his x mark, Sitting Bull.	[SEAL.]
Shon-ka-oh-wah-mon-ye, his x mark, Whirlwind Dog.	[SEAL.]
Ha-hah-kah-tah-miech, his x mark, Poor Elk.	[SEAL.]
Wam-bu-lee-wah-kon, his x mark, Medicine Eagle.	[SEAL.]

Chon-gah-ma-he-to-hans-ka, his x mark, High Wolf. [SEAL.]
Wah-se-chun-ta-shun-kah, his x mark, American Horse. [SEAL.]
Mah-hah mah ha-mak-near, his x mark, Man that walks under the ground. [SEAL.]
Mah-to tow-pah, his x mark, Four Bears. [SEAL.]
Ma-to-wee sha-kta, his x mark, One that kills the bear. [SEAL.]
Oh-tah-kee-toka-wee-chakta, his x mark, One that kills in a hard place. [SEAL.]
Tah-ton-kah-ta-miech, his x mark, The poor Bull. [SEAL.]
Oh-huns-ee-ga-non-sken, his x mark, Mad Shade. [SEAL.]
Shah-ton-oh-nah om-minne-ne-oh-minne, his x mark, Whirling Hawk. [SEAL.]
Mah-to-chun-ka-oh, his x mark, Bear's Back. [SEAL.]
Che-ton-wee koh, his x mark, Fool Hawk. [SEAL.]
Wah-hoh-ke-za-ah-hah, his x mark, One that has the Lance. [SEAL.]
Shon-gah-manni-toh-tan-ka-seh, his x mark, Big Wolf Foot. [SEAL.]
Eh-ton-kah, his x mark, Big Mouth. [SEAL.]
Ma-pah-che-tah, his x mark, Bad Hand. [SEAL.]
Wah-ke-yun-shah, his x mark, Red Thunder. [SEAL.]
Wak-sah, his x mark, One that Cuts Off. [SEAL.]
Cham-nom-qui-yah, his x mark, One that Presents the Pipe. [SEAL.]
Wah-ke-ke-yan-puh-tah, his x mark, Fire Thunder. [SEAL.]
Mah-to-nonk-pah-ze, his x mark, Bear with Yellow Ears. [SEAL.]
Con-ree-teh-ka, his x mark, the Little Crow. [SEAL.]
He-hup-pah-toh, his x mark, The Blue War Club. [SEAL.]
Shon-kee-toh, his x mark, The Blue Horse. [SEAL.]
Wam-balla-oh-conquo, his x mark, Quick Eagle. [SEAL.]
Ta-tonka-suppa, his x mark, Black Bull. [SEAL.]
Moh-to-ha-she-na, his x mark, The Bear Hide. [SEAL.]

Attest:
S. E. Ward.
Jas. C. O'Connor.
J. M. Sherwood.
W. C. Slicer.
Sam Deon.
H. M. Matthews.
Joseph Bissonette, *Interpreter.*
Nicholas Janis, *Interpreter.*
Lefroy Jott, *Interpreter.*
Antoine Janis, *Interpreter.*

Executed on the part of the Minneconjon band of Sioux by the chiefs and headmen whose names are hereunto subscribed, they being thereunto duly authorized.

At Fort Laramie, D. T., May 26, '68, 13 names.

Heh-won-ge-chat, his x mark, One Horn. [SEAL.]
Oh-pon-ah-tah-e-manne, his x mark, The Elk that bellows Walking. [SEAL.]

At Fort Laramie, D. T., May 25, '68, 2 names.

Heh-ho-lah-reh-cha-skah, his x mark, Young White Bull. [SEAL.]
Wah-chah-chum-kah-coh-kee-pah, his x mark, One that is afraid of Shield. [SEAL.]
He-hon-ne-shakta, his x mark, The Old Owl. [SEAL.]
Moc-pe-a-Toh, his x mark, Blue Cloud. [SEAL.]

Oh-pong-ge-le-skah, his x mark, Spotted Elk. [SEAL.]
Tah-tonk-ka-hon-ke-schne, his x mark, Slow Bull. [SEAL.]
Shonk-a-nee-shah-shah-a-tah-pe, his x mark, The Dog Chief. [SEAL.]
Ma-to-tah-ta-tonk-ka, his x mark, Bull Bear. [SEAL.]
Wom-beh-le-ton-kah, his x mark, The Big Eagle. [SEAL.]
Ma-toh-eh-schne-lah. his x mark, The Lone Bear. [SEAL.]
Mah-toh-ke su-yah, his x mark, The One who Remembers the Bear.
Ma-toh-oh-he-to-keh, his x mark, The Brave Bear. [SEAL.]
Eh-che-ma-heh, his x mark, The Runner. [SEAL.]
Ti-ki-ya, his x mark, The Hard. [SEAL.]
He-ma-za, his x mark, Iron Horn. [SEAL.]

Attest:

Jas. C. O'Connor.
Wm. H. Brown.
Nicholas Janis, *Interpreter.*
Antoine Janis, *Interpreter.*

Executed on the part of the Yanctonais band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized:

Mah-to-non-pah, his x mark, Two Bears. [SEAL.]
Ma-to-hna-skin-ya, his x mark, Mad Bear. [SEAL.]
He-o-pu-za, his x mark, Louzy. [SEAL.]
Ah-ke che-tah che-ca-dan, his x mark, Little Soldier. [SEAL.]
Mah-to-e-tan-chan, his x mark, Chief Bear. [SEAL.]
Cu-wi-h-win, his x mark, Rotten Stomach. [SEAL.]
Skun-ka-we-tko, his x mark, Fool Dog. [SEAL.]
Ish-ta-sap-pah, his x mark, Black Eye. [SEAL.]
Ih-tan-chan, his x mark, The Chief. [SEAL.]
I-a-wi-ca-ka, his x mark, The one who Tells the Truth. [SEAL.]
Ah-ke-che-tah, his x mark, The Soldier. [SEAL.]
Ta-shi-na-gi, his x mark, Yellow Robe. [SEAL.]
Nah-pe-tou-ka, his x mark, Big Hand. [SEAL.]
Chan-tee-we-kto, his x mark, Fool heart. [SEAL.]
Hoh-gan-sah-pa, his x mark, Black Catfish. [SEAL.]
Mah-to-wah-kan, his x mark, Medicine Bear. [SEAL.]
Shun-ka-kan sha, his x mark, Red Horse. [SEAL.]
Wan-rode, his x mark, The Eagle. [SEAL.]
Can-hpi-sa-pa, his x mark, Black Tomahawk. [SEAL.]
War-he-le-re, his x mark, Yellow Eagle. [SEAL.]
Cha-ton-che-ca, his x mark, Small Hawk, or Long Fare. [SEAL.]
Shu-ger-mon-e-too-ha-ska, his x mark, Tall Wolf. [SEAL.]
Ma-to-u-tah-kah, his x mark, Sitting Bear. [SEAL.]
Hi-ha-cah-ge-na-skene, his x mark, Mad Elk. [SEAL.]

ARAPAHOES.

Little Chief, his x mark. [SEAL.]
Tall Bear, his x mark. [SEAL.]
Top Man, his x mark. [SEAL.]
Neva, his x mark. [SEAL.]
The Wounded Bear, his x mark. [SEAL.]
Thirlwind, his x mark. [SEAL.]
The Fox, his x mark. [SEAL.]
The Dog Big Mouth, his x mark. [SEAL.]
Spotted Wolf, his x mark. [SEAL.]
Sorrel Horse, his x mark. [SEAL.]

Black Coal, his x mark. [SEAL.]
Big Wolf, his x mark. [SEAL.]
Knock-knee, his x mark. [SEAL.]
Black Crow, his x mark. [SEAL.]
The Lone Old Man, his x mark. [SEAL.]
Paul, his x mark. [SEAL.]
Black Bull, his x mark. [SEAL.]
Big Track, his x mark. [SEAL.]
The Foot, his x mark. [SEAL.]
Black White, his x mark. [SEAL.]
Yellow Hair, his x mark. [SEAL.]
Little Shield, his x mark. [SEAL.]
Black Bear, his x mark. [SEAL.]
Wolf Mocassin, his x mark. [SEAL.]
Big Robe, his x mark. [SEAL.]
Wolf Chief, his x mark. [SEAL.]

Witnesses:

Robt. P. McKibbin,
Capt. 4 Inf. Bvt. Lt. Col. U. S. A., Comdg. Ft. Laramie.
Wm. H. Powell, *Bvt. Maj. Capt. 4th Inf.*
Henry W. Patterson, *Capt. 4th Infy.*
Theo. E. True, *2d Lieut. 4th Inf.*
W. G. Bullock.
Chas. E. Guern,
Special Indian Interpreter for the Peace Commission.

FORT LARAMIE, WG. T., *Nov. 6, 1868.*

Makh-pi-ah-lu-tah, his x mark, Red Cloud. [SEAL.]
Wa-ki-ah-we-cha-shah, his x mark, Thunder Man. [SEAL.]
Ma-zah-zah-geh, his x mark, Iron Cane. [SEAL.]
Wa-umble-why-wa-ka-tuyah, his x mark, High Eagle. [SEAL.]
Ko-ke-pah, his x mark, Man Afraid. [SEAL.]
Wa-ki-ah-wa-kou-ah, his x mark, Thunder Flying Running. [SEAL.]

Witnesses:

W. McE. Dye, *Bvt. Col. U. S. A. Comg.*
A. B. Cain, *Capt. 4 Inf. Bt. Maj. U. S. A.*
Robt. P. McKibbin, *Capt. 4 Inf. Bvt. Lt. Col. U. S. A.*
Jno. Miller, *Capt. 4th Inf.*
G. L. Luhn, *1st Lieut. 4th Inf. Bvt. Capt. U. S. A.*
H. C. Sloan, *2d Lt. 4th Inf.*
Whittingham Cox, *1st Lieut. 4th Infy.*
A. W. Vogdes, *1st Lt. 4th Infy.*
Butler D. Price, *2d Lt. 4th Inf.*

HEADQURS., FORT LARAMIE, *Novr. 6, '68.*

Executed by above on this date.

All of the Indians are Ogallalahs excepting Thunder Man and Thunder Flying Running, who are Brulés.

WM. MCE. DYE,
Maj. 4th Infy. and Bvt. Col. U. S. A. Comg.

Attest:

Jas. C. O'Connor.
Nicholas Janis, *Interpreter.*
Franc. La Framboise, *Interpreter.*
P. J. De Smet, S. J., *Missionary among the Indians.*
Saml. D. Hinman, B. D., *Missionary.*

Executed on the part of the Uncpapa band of Sioux, by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized.

Co-kam-i-ya-ya, his x mark, The Man that Goes in the Middle. [SEAL.]
Ma-to-ca-wa-weksa, his x mark, Bear Rib. [SEAL.]
Ta-to-ka-in-yan-ke, his x mark, Running Antelope. [SEAL.]
Kan-gi-wa-ki-ta, his x mark, Looking Crow. [SEAL.]
A-ki-ci-ta-han-ska, his x mark, Long Soldier. [SEAL.]
Wa-ku-te-ma-ni, his x mark, The One who Shoots Walking. [SEAL.]
Un-kca-ki-ka, his x mark, The Magpie. [SEAL.]
Kan-gi-o-ta, his x mark, Plenty Crow. [SEAL.]
He-ma-za, his x mark, Iron Horn. [SEAL.]
Shun-ka-i na-pin, his x mark, Wolf Necklace. [SEAL.]
I-we-hi-yu, his x mark, The Man who Bleeds from the Mouth. [SEAL.]
He-ha-ka-pa, his x mark, Elk Head. [SEAL.]
I-zu-za, his x mark, Grind Stone. [SEAL.]
Shun-ka-wi-tko, his x mark, Fool Dog. [SEAL.]
Ma-kpi-ya-po, his x mark, Blue Cloud. [SEAL.]
Wa-mln-pi-lu-ta, his x mark, Red Eagle. [SEAL.]
Ma-to-can-te, his x mark, Bear's Heart. [SEAL.]
A-ki-ci-ta-i-tau-can, his x mark, Chief Soldier. [SEAL.]

Attest:

Jas. C. O'Connor.
Nicholas Janis, *Interpreter.*
Franc. La Frambois[e], *Interpreter.*
P. J. De Smet, S. J., *Missy. among the Indians.*
Saml. D. Hinman, *Missionary.*

Executed on the part of the Blackfeet band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized.

Can-te-pe-ta, his x mark, Fire Heart. [SEAL.]
Wan-mdi-kte, his x mark, The One who Kills Eagle. [SEAL.]
Sho-ta, his x mark, Smoke. [SEAL.]
Wan-mdi-ma-ni, his x mark, Walking Eagle. [SEAL.]
Wa-shi-cun-ya-ta-pi, his x mark, Chief White Man. [SEAL.]
Kan-gi-i-yo-tan-ke, his x mark, Sitting Crow. [SEAL.]
Pe-ji, his x mark, The Grass. [SEAL.]
Kda-ma-ni, his x mark, The One that Rattles as he Walks. [SEAL.]
Wah-han-ka-sa-pa, his x mark, Black Shield. [SEAL.]
Can-te-non-pa, his x mark, Two Hearts. [SEAL.]

Attest:

Jas. C. O'Connor.
Nicholas Janis, *Interpreter.*
Franc. La Framboise, *Interpreter.*
P. J. De Smet, S. J., *Missy. among the Indians.*
Saml. D. Hinman, *Missionary.*

Executed on the part of the Cutheads band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized.

To-ka-in-yan-ka, his x mark, The One who Goes Ahead Running. [SEAL.]
Ta-tan Ka-wa-kin-yan, his x mark, Thunder Bull. [SEAL.]
Sin-to-min-sa-pa, his x mark, All over Black. [SEAL.]
Can-i-ca, his x mark, The One who Took the Stick. [SEAL.]
Pa-tan-ka, his x mark, Big Head. [SEAL.]

Attest:

Jas. C. O'Connor.
Nicholas Janis, *Interpreter.*
Franc. La Frambois[e], *Interpreter.*
P. J. De Smet, S. J., *Missy. among the Indians.*
Saml. D. Hinman, *Missionary.*

Executed on the part of the Two Kettle band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized.

Ma-wa-tan-ni-han-ska, his x mark, Long Mandan.	[SEAL.]
Can-kpe-du-ta, his x mark, Red War Club.	[SEAL.]
Can-ka-ga, his x mark, The Log.	[SEAL.]

Attest:

Jas. C. O'Connor.
Nicholas Janis, *Interpreter.*
Franc. La Framboise, *Interpreter.*
P. J. De Smet, S. J., *Missy. among the Indians.*
Saml. D. Hinman, *Missionary to the Dakotas.*

Executed on the part of the Sans Arch band of Sioux by the chiefs and headmen whose names are hereto annexed, they being thereunto duly authorized.

He-na-pin-wa-ni-ca, his x mark, The One that has Neither Horn.	[SEAL.]
Wa-inlu-pi-lu-ta, his x mark, Red Plume.	[SEAL.]
Ci-tan-gi, his x mark, Yellow Hawk.	[SEAL.]
He-na-pin-wa-ni-ca, his x mark, No Horn.	[SEAL.]

Attest:

Jas. C. O'Connor.
Nicholas Janis, *Interpreter.*
Franc. La Frambois[e], *Interpreter.*
P. J. De Smet, S. J., *Missy. among the Indians.*
Saml. D. Hinman, *Missionary.*

Executed on the part of the Santee band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized.

Wa-pah-shaw, his x mark, Red Ensign.	[SEAL.]
Wah-koo-tay, his x mark, Shooter.	[SEAL.]
Hoo-sha-sha, his x mark, Red Legs.	[SEAL.]
O-wan-cha-du-ta, his x mark, Scarlet all over.	[SEAL.]
Wau-mace-tan-ka, his mark x, Big Eagle.	[SEAL.]
Cho-tan-ka-e-na-pe, his x mark, Flute-player.	[SEAL.]
Ta-shun-ke mo-za, his x mark, His Iron Dog.	[SEAL.]

Attest:

Saml. D. Hinman, B. D., *Missionary.*
J. N. Chickering, *2d Lt. 22d Infy., Bvt. Capt. U. S. A.*
P. J. De Smet, S. J.
Nicholas Janis, *Interpreter.*
Franc. La Framboise, *Interpreter.*

And whereas, the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the sixteenth day of February, one thousand eight hundred and

sixty-nine, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION.
SENATE OF THE UNITED STATES,
February 16, 1869.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States and the different bands of the Sioux Nation of Indians, made and concluded the 29th April, 1868.

Attest:

GEO. C. GORHAM,
Secretary.

Now, therefore, be it known that I, Andrew Johnson, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the sixteenth of February, one thousand eight hundred and sixty-nine, accept, ratify, and confirm the said Treaty.

In testimony whereof I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-fourth day of February, in the year of our Lord one thousand eight hundred and [SEAL.] sixty-nine, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

PUBLIC—NO. 30.

AN ACT to ratify an agreement with certain bands of the Sioux Nation of Indians and also with the Northern Arapaho and Cheyenne Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a certain agreement made by George W. Manypenny, Henry B. Whipple, Jared W. Daniels, Albert G. Boone, Henry C. Bulis, Newton Edmunds, and Augustine S. Gaylord, commissioners on the part of the United States, with the different bands of the Sioux Nation of Indians, and also the Northern Arapaho and Cheyenne Indians, be, and the same is hereby, ratified and confirmed: *Provided,* That nothing in this act shall be construed to authorize the removal of the Sioux Indians to the Indian Territory and the President of the United States is hereby directed to prohibit the removal of any portion of the Sioux Indians to the Indian Territory until the same shall be authorized by an act of Congress hereafter enacted, except article four, except also the following portion of article six: "And if said Indians shall remove to said Indian Territory as hereinbefore provided, the Government shall erect for each of the principal chiefs a good and comfortable dwelling-house" said article not having been agreed to by the Sioux Nation; said agreement is in words and figures following, namely: "Articles of agreement made pursuant to the provisions of an act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Depart-

ment, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes," approved August 15, 1876, by and between George W. Manypenny, Henry B. Whipple, Jared W. Daniels, Albert G. Boone, Henry C. Bulis, Newton Edmunds, and Augustine S. Gaylord, commissioners on the part of the United States, and the different bands of the Sioux Nation of Indians, and also the Northern Arapahoes and Cheyennes, by their chiefs and headmen, whose names are hereto subscribed, they being duly authorized to act in the premises.

"ARTICLE 1. The said parties hereby agree that the northern and western boundaries of the reservation defined by article 2 of the treaty between the United States and different tribes of Sioux Indians, concluded April 29, 1868, and proclaimed February 24, 1869, shall be as follows: The western boundaries shall commence at the intersection of the one hundred and third meridian of longitude with the northern boundary of the State of Nebraska; thence north along said meridian to its intersection with the South Fork of the Cheyenne River; thence down said stream to its junction with the North Fork; thence up the North Fork of said Cheyenne River to the said one hundred and third meridian; thence north along said meridian to the South Branch of Cannon Ball River or Cedar Creek; and the northern boundary of their said reservation shall follow the said South Branch to its intersection with the main Cannon Ball River, and thence down the said main Cannon Ball River to the Missouri River; and the said Indians do hereby relinquish and cede to the United States all the territory lying outside the said reservation, as herein modified and described, including all privileges of hunting; and article 16 of said treaty is hereby abrogated.

"ARTICLE 2. The said Indians also agree and consent that wagon and other roads, not exceeding three in number, may be constructed and maintained, from convenient and accessible points on the Missouri River, through said reservation, to the country lying immediately west thereof, upon such routes as shall be designated by the President of the United States; and they also consent and agree to the free navigation of the Missouri River.

"ARTICLE 3. The said Indians also agree that they will hereafter receive all annuities provided by the said treaty of 1868, and all subsistence and supplies which may be provided for them under the present or any future act of Congress, at such points and places on the said reservation, and in the vicinity of the Missouri River, as the President of the United States shall designate.

"ARTICLE 4. The Government of the United States and the said Indians, being mutually desirous that the latter shall be located in a country where they may eventually become self-supporting and acquire the arts of civilized life, it is therefore agreed that the said Indians shall select a delegation of five or more chiefs and principal men from each band, who shall, without delay, visit the Indian Territory under the guidance and protection of suitable persons, to be appointed for that purpose by the Department of the Interior, with a view to selecting therein a permanent home for the said Indians. If such delegation shall make a selection which shall be satisfactory to themselves, the people whom they represent, and to the United States, then the said Indians agree that they will remove to the country so selected within one year from this date. And the said Indians do further agree in all things to submit themselves to such beneficent plans as the Government may provide for them in the selection of a country suitable for a permanent home, where they may live like white men.

"ARTICLE 5. In consideration of the foregoing cession of territory and rights, and upon full compliance with each and every obligation assumed by the said Indians, the United States does agree to provide all necessary aid to assist the said Indians in the work of civilization; to furnish to them schools and instruction in mechanical and agricultural arts, as provided for by the treaty of 1868. Also to provide the said Indians with subsistence consisting of a ration for each individual of a pound and a half of beef, (or in lieu thereof, one half pound of bacon,) one-half pound of flour, and one-half pound of corn; and for every one hundred rations, four pounds of coffee, eight pounds of sugar, and three pounds of beans, or in lieu of said articles the equivalent thereof, in the discretion of the Commissioner of Indian Affairs. Such rations, or so much thereof as may be necessary, shall be continued until the Indians are able to support themselves. Rations shall, in all cases, be issued to the head of each separate family; and whenever schools shall have been provided by the Government for said Indians, no rations shall be issued for children between the ages of six and fourteen years (the sick and infirm excepted) unless such children shall regularly attend school. Whenever the said Indians shall be located upon lands which are suitable for cultivation, rations shall be issued only to the persons and families of those persons who labor, (the aged, sick, and infirm excepted;) and as an incentive to industrious habits the Commissioner of Indian Affairs may provide that such persons be furnished in payment for their labor such other necessary articles as are requisite for civilized life. The Government will aid said Indians as far as possible in finding a market for their surplus productions, and in finding employment, and will purchase such surplus, as far as may be required, for supplying food to those Indians, parties to this agreement, who are unable to sustain themselves; and will also employ Indians, so far as practicable, in the performance of Government work upon their reservation.

"ARTICLE 6. Whenever the head of a family shall, in good faith, select an allotment of land upon such reservation and engage in the cultivation thereof, the Government shall, with his aid, erect a comfortable house on such allotment; and if said Indians shall remove to said Indian Territory as hereinbefore provided, the Government shall erect for each of the principal chiefs a good and comfortable dwelling-house.

"ARTICLE 7. To improve the morals and industrious habits of said Indians, it is agreed that the agent, trader, farmer, carpenter, blacksmith, and other artisans employed or permitted to reside within the reservation belonging to the Indians, parties to this agreement, shall be lawfully married and living with their respective families on the reservation; and no person other than an Indian of full blood, whose fitness, morally or otherwise, is not, in the opinion of the Commissioner of Indian Affairs, conducive to the welfare of said Indians, shall receive any benefit from this agreement or former treaties, and may be expelled from the reservation.

"ARTICLE 8. The provisions of the said treaty of 1868, except as herein modified, shall continue in full force, and, with the provisions of this agreement, shall apply to any country which may hereafter be occupied by the said Indians as a home; and Congress shall, by appropriate legislation, secure to them an orderly government; they shall be subject to the laws of the United States, and each individual shall be protected in his rights of property, person, and life.

"ARTICLE 9. The Indians, parties to this agreement, do hereby solemnly pledge themselves, individually and collectively, to observe each and all of the stipulations herein contained, to select allotments of land

as soon as possible after their removal to their permanent home, and to use their best efforts to learn to cultivate the same. And they do solemnly pledge themselves that they will at all times maintain peace with the citizens and Government of the United States; that they will observe the laws thereof and loyally endeavor to fulfill all the obligations assumed by them under the treaty of 1868 and the present agreement, and to this end will, whenever requested by the President of the United States, select so many suitable men from each band to co-operate with him in maintaining order and peace on the reservation as the President may deem necessary, who shall receive such compensation for their services as Congress may provide.

"ARTICLE 10. In order that the Government may faithfully fulfill the stipulations contained in this agreement, it is mutually agreed that a census of all Indians affected hereby shall be taken in the month of December of each year, and the names of each head of family and adult person registered; said census to be taken in such manner as the Commissioner of Indian Affairs may provide.

"ARTICLE 11. It is understood that the term reservation herein contained shall be held to apply to any country which shall be selected under the authority of the United States as the future home of said Indians.

"This agreement shall not be binding upon either party until it shall have received the approval of the President and Congress of the United States.

"Dated and signed at Red Cloud agency, Nebraska, September 26, 1876.

"GEORGE W. MANYPENNY.	[SEAL.]
"HENRY B. WHIPPLE.	[SEAL.]
"J. W. DANIELS.	[SEAL.]
"ALBERT G. BOONE.	[SEAL.]
"H. C. BULIS.	[SEAL.]
"NEWTON EDMUNDS.	[SEAL.]
"A. S. GAYLORD.	[SEAL.]

"Attest:
"CHARLES M. HENDLEY,
"*Secretary.*

"OGALLALLA SIOUX—CHIEFS AND HEADMEN.

"Marpiya-luta, (Red Cloud,) his x mark, seal.
"Taxunke-kokipe, (Afraid-of-his-Horse,) his x mark, seal.
"Xunka-luta, (Red Dog,) his x mark, seal.
"Taopi-cikala, (Little Wound,) his x mark, seal.
"Waxicun-taxunke, (American Horse,) his x mark, seal.
"Mato-kokipa, (Afraid-of-the-Bear,) his x mark, seal.
"Mato-yamni, (Three Bears,) his x mark, seal.
" Wakinyan-peta, (Fire-Thunder,) his x mark, seal.
"Mato-luza, (Fast Bear,) his x mark, seal.
"Kangi-ho-waxte, (Crow-with-a-good-voice,) his x mark, seal.
"Mato-ayuwi, (Turning Bear,) his x mark, seal.
"Itunkassan-waumli, (Weasel-Eagle,) his x mark, seal.
"Warpe-xa, (Red Leaf,) his x mark, seal.
"Ixta-peta, (Fire Eyes, or White Bull,) his x mark, seal.
"Pte-san-wicaxa, (Man White Cow,) his x mark, seal.
"Kangi-tanka, (Big Crow,) his x mark, seal.
"Tatanka-waxte, (Good Bull,) his x mark, seal.

"Xunkikyuha, (Sorrel Horse,) his x mark, seal.
"Itunkasan-mato, (Weasel-Bear,) his x mark, seal.
"Wahukeza-nonpa, (Two-Lance,) his x mark, seal.
"Owe-xica, (Bad Wound,) his x mark, seal.
"Mato-wankantu, (High Bear,) his x mark, seal.
"Tokicu, (He-Takes-the-Enemy,) his x mark, seal.
"Akicita, (Soldier,) his x mark, seal.
"Ite-glega, (Stupid Face, or Slow Bull,) his x mark, seal.
"Xummanito-wankantu, (High Wolf,) his x mark, seal.
"Si-tanka, (Big Foot,) his x mark, seal.
"Wakinyan-ska, (White Thunder,) his x mark, seal.
"Xunki-to (Blue Horse,) his x mark, seal.

"ARAPAHOES

"Black Coal, his x mark, seal.
"Crazy Bull, his x mark, seal.
"Little Wolf, his x mark, seal.
"Sharp Nose, his x mark, seal.
"Six Feathers, his x mark, seal.
"White Horse, his x mark, seal,

"CHEYENNES

"Living Bear, his x mark, seal.
"Spotted Elk, his x mark, seal.
"Black Bear, his x mark, seal.
"Turkey Legs, his x mark, seal.
"Calfskin Shirt, his x mark, seal.

"Dated and signed at Spotted Tail agency, Nebraska, September 23, 1876.

"BRULE SIOUX.

"Sinta-gleska, (Spotted Tail,) his x mark, seal.
"Mato-luza, (Swift Bear,) his x mark, seal.
"Nom-karpa, (Two Strike,) his x mark, seal.
"Wakinyan-ska, (White Thunder,) his x mark, seal.
"Heraka-najou, (Standing Elk,) his x mark, seal.
"Hi toto (Blue Teeth,) his x mark, seal.
"Baptiste Good, his x mark, seal.
"Kangi-sapa (Black Crow,) his x mark, seal.
"Taxunka-wakita, (Looking Horse,) his x mark, seal.
"Mato-ocin-xica, (Wicked Bear,) his x mark, seal.
"Wamli cikala, (Little Eagle,) his x mark, seal.
"Xunka-luta, (Red Dog,) his x mark, seal.
"Tacampi-to, (Blue Tomakawk,) his x mark, seal.
"Xunka-luza, (Fast Dog,) his x mark, seal.
"Miwatani-hanska, (Tall Mandan,) his x mark, seal.
"Hitunkasan-luta, (Red Weasel,) his x mark, seal.
"Mato-wakan, (Sacred Bear,) his x mark, seal.
"Muggins, his x mark, seal.
"Ixnalawica, (Only Male,) his x mark, seal.
"Mato-can-wegna-iyaye, (Bear-in-the-wood,) his x mark, seal.
"Hobu, (Coarse Voice,) his x mark, seal.
"No Flesh, (Conica-wanica,) his x mark, seal.

"Mato-waukantu, (High Bear,) his x mark, seal.
"Wicampi-tanka, (Big-Star,) his x mark, seal.
"Akan-ka-kte, (Killed-on-horseback,) his x mark, seal.
"Ixta-ska-ska, (White Eyes,) his x mark, seal.
"Wamnionmi-akicita, (Whirlwind Soldier,) his x mark, seal.
"Wakinyan-cangleska, (Ring Thunder,) his x mark, seal.
"Wakingan-wamli, (Thunder Eagle,) his x mark, seal.
"Xkeca-guaxkingan, (Crazy Mink,) his x mark, seal.
"Ho-waxte, (Good Voice,) his x mark, seal.
"Ta-kudankokipexni, (Afraid-of-nothing,) his x mark, seal.
"Cante-peta, (Fire heart,) his x mark, seal.
"Wapaswapi, (Roast,) his x mark, seal.
"Itecantku-ze, (Yellow Breast,) his x mark, seal.
"Maza-wanapinya, (Iron Necklace,) his x mark, seal.
"Sinte-gleska-holkxila, (Young Spotted Tail,) his x mark, seal.
"Mato-wanagi, (Bear Ghost,) his x mark, seal.
"Xunka-ixlala, (Long Dog,) his x mark, seal.
"Pte-sanwicaxa, (White Buffalo man,) his x mark, seal.
"Maz-ixta, (Iron Eyes,) his x mark, seal.
"Asanpi, (Milk,) his x mark, seal.
"Cetanwamli, (Eagle Hawk,) his x mark, seal.

"I certify that the foregoing treaty was read and explained by me, and was fully understood by the above named Indians, before signing, and that the same was executed by the above Ogallalla Sioux, Cheyennes, and Arapahoes, at Red Cloud agency, on the 20th day of September, A. D. 1876, and by the Brule Sioux at Spotted Tail agency on the 23d day of September, A. D. 1876.

"SAML. D. HINMAN,
"*Official Interpreter.*

"Attest:
"LOUIS BORDEAUX,
"WILLIAM GARNETT,
"WILLIAM ROLAND,
"HENRY C. CLIFFORD,
"*Interpreters.*

"The foregoing articles of agreement having been fully explained to us in open council, we, the undersigned chiefs and headmen of the various bands of Sioux Indians receiving rations and annuities at the Standing Rock agency, in the Territory of Dakota, do hereby consent and agree to all the stipulations therein contained, with the exception of so much of article four of said agreement as relates to our visit and removal to the Indian Territory; in all other respects the said article remaining in full force and effect.

"Witness our hands and seals at Standing Rock agency, Territory of Dakota, this 11th day of October, A. D. 1876.

"LOWER YANCTONAIS.

"Mato-nonpa, (Two Bears,) his x mark, seal.
"Tashunka-kokipapi, (He-fears-his-horse,) his x mark, seal.
"Waha, (Cotton Wood,) his x mark, seal.
"Hogan-duta, (Red Fish,) his x mark, seal.
"Mato-Gnashkinyan, (Mad Bear,) his x mark, seal.
"Cokamti, (Camp in Middle,) his x mark, seal.
"Tatanka-wanagi, (Bull's Ghost,) his x mark, seal.

"Waonzoege, (Pantaloons,) his x mark, seal.
"Matochitika, (Brave Bear,) his x mark, seal.
"Can-Icu, (Drag Wood,) his x mark, seal.
"Iyayog-manni, (Walk out of the way,) his x mark, seal.
"Igmu-sapa, (Black Wild Cat,) his x mark, seal.
"Akicita cikala, (Little Soldier,) his x mark, seal.
"Canhpi-sapa, (Black Tomahawk,) his x mark, seal.
"Hahaka-maza, (Iron Elk,) his x mark, seal.
"Inyang-mani, (Running Walker,) his x mark, seal.
"Tashunka-witko, (Fool Dog,) his x mark, seal.
"Wanmli-napin, (Eagle Necklace,) his x mark, seal.

"UPPER YANCTONAIS.

"Nasulan-tanka, (Big Head,) his x mark, seal.
"Shunkaha-napin, (Wolf Necklace,) his x mark, seal.
"Ishta-sapa, (Black Eye,) his x mark, seal.
"Tahinca-ska, (White Dear,) his x mark, seal.
"Tatanka-luta, (Red Bull,) his x mark, seal.
"Maga, (Goose,) his x mark, seal.
"Tacanonpa, (His Pipe,) his x mark, seal.
"Cante-witko, (Fool Heart,) his x mark, seal.
"Mato-wakantuya, (High Bear,) his x mark, seal.
"Tatanka-pa, (Bull Head,) his x mark, seal.
"Shunka-wanjila, (Lone Dog,) his x mark, seal.
"Nape-tanka, (Big Hand,) his x mark, seal.

"UNCPAPAS.

"Cetan-wakinyan, (Thunder Hawk,) his x mark, seal.
"Mato-cuwiyuksa, (Bear Rib,) his x mark, seal.
"Tatoke-inyanke, (Running Antelope,) his x mark, seal.
"He-maza, (Iron Horn,) his x mark, seal.
"Wakute-mani, (Walking Shooter,) his x mark, seal.
"Akicita-hanska, (Long Soldier,) his x mark, seal.
"Wicasha-wakan, (Medicine Man,) his x mark, seal.
"Ishta-ska, (White Eye,) his x mark, seal.
"Zitkala-sapa, (Black Bird,) his x mark, seal.
"Nape-shica, (Bad Hand,) his x mark, seal.
"Wahukeza-luta, (Scarlet Lance,) his x mark, seal.

"BLACKFEET

"Peji, (John Grass,) his x mark, seal.
"Kangi-iyotanka, (Sitting Crow,) his x mark, seal.
"Cante-peta, (Fire Heart,) his x mark, seal.
"Zitkala-wankantuya, (High Bird,) his x mark, seal.
"Nata-opi, (Wounded-Head,) his x mark, seal.
"Tashunka-luta, (Red Horse,) his x mark, seal.
"Cetan-luta, (Red Hawk,) his x mark, seal.

"Attest:
"R. E. JOHNSTON
"*Captain First Infantry, Bvt. Lieut. Col.,*
"*U. S. A., Acting Indian Agent.*
"W. D. WOLVERTON,
"*Surgeon U. S. A.*

"I certify that the foregoing agreement was read and explained by me, and was fully understood by the above named Sioux Indians before signing, and that the same was executed by said Sioux Indians at Standing Rock agency, Dak, on the 11th day of October, A. D. 1876.

"SAML D. HINMAN,
"*Official Interpreter.*

"Attest:
"LOUIS AGARD,
"WILLIAM HALSEY,
"E. H. ALLISON,
"*Interpreters.*"

"The foregoing articles of agreement having been fully explained to us in open council, we, the chiefs and headmen of the various bands of Sioux Indians, receiving rations and annuities at the Cheyenne River agency, in the Territory of Dakota, do hereby consent and agree to all the stipulations therein contained, with the exception of so much of article 4 of said agreement as relates to our visit and removal to the Indian Territory; in all other respects the said article remaining in full force and effect.

"Witness our hands and seals at Cheyenne River agency, Territory of Dakota, this 16th day of October, A. D. 1876.

"SANS ARC.

"Kangi-wiyaka, (Crow Feather,) his x mark, seal.
"Waanatan, (The Charger,) his x mark, seal.
"Cetan-gi, (Yellow Hawk,) his x mark, seal.
"Taku-kokipa-xni, (Fearless,) his x mark, seal.
"Wiyaka-luta, (Red Feather,) his x mark, seal.
"Ho-waxte, (Good Voice,) his x mark, seal.
"Ite-xujahan, (Scare the Hawk,) his x mark, seal.
"Waiglu-xica, (Man that Hurts Himself,) his x mark, seal.
"Tatanka-ska, (White Bull,) his x mark, seal.
"Pehin-xaxa, (Red Hair,) his x mark, seal.

"BLACKFEET

"Mato-ayuwi, (Turning Bear,) his x mark, seal.
"Wakinyan-ska, (White Thunder,) his x mark, seal.
"Ixto-xakiya, (Red Arm,) his x mark, seal.
"Hehloga, (Yearling,) his x mark, seal.
"Pa-hoton, (Sounding Head,) his x mark, seal.
"Mahpiya-gleglega, (Striped Cloud,) his x mark, seal.
"Itoye-psunpsunla, (Awkward Face,) his x mark, seal.
"Maza-napin, (Iron Necklace,) his x mark, seal.

"TWO KETTLE.

"Mato-topa, (Four Bears,) his x mark, seal.
"Cuwi-hla-mani, (Rattling Ribs,) his x mark, seal.
"Mawatani-hanska-hokxila, (Long Mandan's Son,) his x mark, seal.
"Can-haha, (The Log,) his x mark, seal.
"Tacanhpi-luta, (Red Tomahawk,) his x mark, seal.
"Wokaye, (Brings the Food,) his x mark, seal.
"Mato-waaktonsya, (Forgetful Bear,) his x mark, seal.
"Xung-gleska-sapa, (Black Spotted Horse,) his x mark, seal.

"Taxunka-maza, (Iron Horse,) his x mark, seal.
"Ptesan-wicaxa, (White Cow Man,) his x mark, seal.
"Sinte-nonpa, (Two Tails,) his x mark, seal.
"Kinyan-axapi, (Flying Laughing,) his x mark, seal.
"Inyan-hanksa, (Long Stone,) his x mark, seal.
"Natala, (Head,) his x mark, seal.
"Xungleska, (Spotted Horse,) his x mark, seal.
"Xiyo-sapa, (Black Prairie Chicken,) his x mark, seal.
"Wakuwa-mani, (Walking Hunter,) his x mark, seal.

"MINNECONJOU

"Magaska, (Swan,) his x mark, seal.
"Magakxica, (The Duck,) his x mark, seal.
"Cante-wanica, (No Heart,) his x mark, seal.
"Cante-wanica-wicahca, (Old Man No Heart,) his x mark, seal.
"Mahaka, (Standing Bear,) his x mark, seal.
"Ixnawasanica, (The Half,) his x mark, seal.
"Xina ska, (White Robe,) his x mark, seal.
"Canhpi-sapa, (Black Tomahawk,) his x mark, seal.
"Mato-wankantuya, (High Bear,) his x mark, seal.
"Wiukte-nonpa, (The Keg,) his x mark, seal.
"Kankaca-luta, (Red Plume,) his x mark, seal.
"Hehanskaska, (Long Horn,) his x mark, seal.
"Mato-waxte, (Good Bear,) his x mark, seal.
"Tatanka-pahakan-najin, (Bull on the Hill,) his x mark, seal.
"Xiyo-hanska, (Tall Prairie Chicken,) his x mark, seal.
"Cetan-gleska, (Spotted Hawk,) his mark, seal.
"Inyan-boslahan, (Standing Rock,) his x mark, seal.

"Attest:

"CHARLES A. WICKOFF,
"*Capt Eleventh Infantry.*
"LESLIE SMITH
"*Capt First Infantry, Bvt. Major, U. S. Army.*

"WM. FIELDER,
"MARK WELLS

"The foregoing articles of agreement having been fully explained to us in open council, we, the undersigned chiefs and headmen of the Sioux Indians, receiving rations and annuities at Crow Creek agency, in the Territory of Dakota, do hereby consent and agree to all the stipulations therein contained, with the exception of so much of article 4 of said agreement as relates to our visit and removal to the Indian Territory; in all other respects the said article remaining in full force and effect.

"Witness our hands and seals at Crow Creek agency, Territory of Dakota, this 21st day of October, A. D. 1876.

"LOWER YANCTONAIS

"Wanigi-ska, (White Ghost,) his x mark, seal.
"Wanmdi-sapa, (Black Eagle,) his x mark, seal.
"Wizi, (Old Lodge,) his x mark, seal.
"Najinyan-upi, (Surrounded,) his x mark, seal.
"Mato-watakpe, (Attacking Bear,) his x mark, seal.
"Mato-wakuwa-wicarca, (Old Man Running Bear,) his x mark, seal.
"Mato-wakuwa-hokxina, (Young Man Running Bear,) his x mark, seal.
"Katayapi, (Killed,) his x mark, seal.
"Mato-wakokipe-xni, (Fearless Bear,) his x mark, seal.
"Mato ska, (White Bear,) his x mark, seal.
"Waksuyemani, (Returns From War,) his x mark, seal.
"Kasde, (Splits,) his x mark, seal.
"Cagu-ska, (White Lungs or Bear Ghost,) his x mark, seal.
"Wanmdi-wicaxa, (Eagle Man,) his x mark, seal.
"Mato-cekiyapi, (They Worship the Bear,) his x mark, seal.
"Kangi-iawakan, (Sacred Talking Crow,) his x mark, seal.
"Cetan-koyagmani, (Walks With a Hawk,) his x mark, seal.
"Maga-bobdu, (Stormy Goose,) his x mark, seal.
"Wage-hunka, (Yellow Man,) his x mark, seal.
"Nakpa-wanjina, (One Ear,) his x mark, seal.
"Onspexni, (He Don't Know,) his x mark, seal.

"Attest:

"HENRY F. LIVINGSTON.
"FRANKLIN J. DE WITT.

"EDWD ASHLEY,
"H BURT,
"ANTOINE LE CLARE,
"*Interpreters.*

"I certify that the foregoing agreement was read and explained by me, and was fully understood by the above-named Sioux Indians before signing; and that the same was executed by said Sioux Indians at Crow Creek agency, Dakota, on the 21st day of October, A. D. 1876.

"SAML D. HINMAN.
"*Official Interpreter.*

"The foregoing articles of agreement having been fully explained to us in open council, we, the undersigned chiefs and headmen of the Sioux Indians, receiving rations and annuities at Lower Brule agency, in the Territory of Dakota, do hereby consent and agree to all the stipulations therein contained, with the exception of so much of article 4 of said

agreement as relates to our visit and removal to the Indian Territory; in all other respects the said article remaining in full force and effect.

Witness our hands and seals at Lower Brule agency, Territory of Dakota, this 24th day of October, A. D. 1876.

"LOWER BRULES.

"Maza-oyate, (Iron Nation,) his x mark, seal.
"Tatanka-wakan, (Medicine Bull,) his x mark, seal.
"Ptesan-wicakte, (White Buffalo Cow,) his x mark, seal.
"Xiyocikala, (Little Pheasant,) his x mark, seal.
"Tatanka-pa, (Buffalo Head,) his x mark, seal.
"Marpiya-inajin, (Standing Cloud,) his x mark, seal.
"Cante-wicuwa, (Useful Heart,) his x mark, seal.
"Mato-xake-hanska, (Long Bear Claws,) his x mark, seal.
"Ixna-wica, (Only Man,) his x mark, seal.
"Attest

"HENRY E. GREGORY,
"I. D. DE RUSSY,
"*Captain Second Infantry, U. S. A.*

"ZEPHIR RENCOUNTRE,
"H BURT,
"*Interpreters.*

"I certify that the foregoing agreement was read and explained by me, and was fully understood by the above named Sioux Indians before signing; and that the same was executed by said Sioux Indians at Lower Brule agency, Dakota, on the 24th day of October, A. D. 1876.

"SAML. D. HINMAN,
"*Official Interpreter.*

"The foregoing articles of agreement having been fully explained to us in open council, we, the undersigned chiefs and headmen of the Sioux Indians, receiving rations and annuities at the Santee reservation, in Knox County, in the State of Nebraska, do hereby consent and agree to all the stipulations therein contained, saving, reserving, and excepting all our rights, both collective and individual, in and to the said Santee reservation, in said Knox County and State of Nebraska, upon which we, the undersigned, and our people are now residing.

"Witness our hands and seals at Santee agency, county of Knox, State of Nebraska, this 27th day of October, A. D. 1876.

"SANTEE

"Joseph Wabashaw, seal.
"Hake-waxte, his x mark, seal.
"Wakute, (The Shooter,) his x mark, seal.
"Huxaxa, (Red Legs,) his x mark, seal.
"Marpiya-duta, (Red Cloud,) his x mark, seal.
"Wakaninihanku, his x mark, seal.
"Wamanonsa, (The Thief,) his x mark, seal.
"Star Frazier, his x mark, seal.
"Pepe, (Sharp,) his x mark, seal.
"Hehaka-maza, (Iron Elk,) his x mark, seal.
"Tunkanwaxtexte, (The Good Stone God,) his x mark, seal.
"Daniel W. Hemans, seal.

"Eli Abraham, seal.
"Geo. Paypay, seal.
"Artemas Ehuamani, his x mark, seal.
"James Paypay, seal.
"Attest:

"CHAS. H. SEARING.
"JOSEPH W. COOK.

"CHARLES MITCHELL,
"ALFRED L. RIGGS,
"*Interpreters.*

"I certify that the foregoing agreement was read and explained by me, and was fully understood by the above named Sioux Indians, before signing, and that the same was executed by said Sioux Indians at Santee agency, county of Knox, and State of Nebraska, on the 27th day of October, A. D. 1876.

"SAML. D. HINMAN,
"*Official Interpreter.*"

Approved, February 28, 1877.